

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3222, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Graham amendment No. 3117, to improve the security of United States borders.

Gregg amendment No. 3119 (to amendment No. 3117), to change the effective date.

Sanders amendment No. 3130, to increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by \$10,000,000.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that Senator ALLARD be recognized to call up his amendment and to speak briefly on it, and then to set aside that amendment, to consider the Graham amendment, debate that, and to have that disposed of by a vote.

Following that, an amendment by Senator FEINGOLD will be in order.

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

AMENDMENT NO. 3146

Mr. ALLARD. Mr. President, I call up amendment No. 3146 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 3146.

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

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

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, up to \$5,000,000 for the Missile Defense Space Experimentation Center)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE, up to \$5,000,000 may be available for the Missile Defense Space Experimentation Center (MDSEC) (PE #0603895C).

Mr. ALLARD. Mr. President, my amendment designates \$5 million, the amount requested by the Pentagon, for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration Operations Center, on Schriever Air Force Base in Colorado Springs, CO.

This amendment is sponsored by myself and Senator SALAZAR. This concludes my comments to this particular point. I thank the chair and the ranking member for allowing me to make this amendment pending before the Senate.

Yesterday I explained in full the details of this amendment.

Mr. INOUE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. There will be 30 minutes equally divided with respect to the Graham amendment at this time.

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

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

Mr. KYL. I understand that we can now begin the 30 minutes of debate running up to the vote on the Graham-Kyl amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3117

Mr. KYL. Let me start by offering a few comments about why this amendment is important. But, first, to put it into context, we have made a lot of progress. We have come a long way toward securing the border and stopping the problem of illegal entry into our country. But we have a long way to go.

This amendment is designed to continue the progress that we have been making with funding that is necessary for that. Just to put a little context here, for example, in 1994 we had 4,000 Border Patrol agents for the entire border. We now have over 15,000. But we still know there are way too many incursions into the United States and more Border Patrol will help to end that.

We gave the Department of Homeland Security an extra \$1.2 billion to pay for those Border Patrol agents, as well as fencing and vehicle barriers, detention space, and the like.

Secretary Chertoff just visited my State of Arizona last week. And he reports in addition to the Border Patrol hiring that I mentioned and the addition of some detention space they are on track to complete 70 miles of fencing by the end of this year. With the additional money this amendment will provide for next year, they will be able to complete at least 371 miles of fencing along the entire Mexican border.

This is not just a fence. Some people say: Well, if you build a 10-foot-high fence, they will come in with an 11-foot ladder. That is a cute refrain, but the reality is, this fencing I have seen built down on the Barry Goldwater Gunnery Range just east of Yuma is double fencing. They have to have a very heavy pile driver to drive these steel beams into the ground and attach steel flanges to the side. You cannot get through there. Now lizards and critters can get through, so from an environmental standpoint, it is actually a good thing, but people cannot get

through. And, importantly, that, combined with vehicle barriers, which are also large railroad tie-type structures put into the ground to prevent vehicles from coming across, is particularly important because it is the vehicles that bring the drugs. Of course, they can bring larger numbers of immigrants. But the reality is, where you have vehicles, most likely you have weapons and you have drugs. And, of course, where that is involved, you are putting in danger the lives of our Border Patrol and other Federal officers and making it more likely that the value of the contraband coming across is going to be significant, thus driving these smugglers into more desperate measures to protect it.

Violence across the entire southern border has increased significantly. With the double fencing, there is a road in between. And the point of fencing is to slow down those who might find a way to get over the fence. The reality is, with additional vehicles, with additional Border Patrol, and this kind of fencing, what you can create is a situation where, by the time someone may have gotten over the first fence, the sensors and the cameras will have alerted Border Patrol, and they are stationed at close enough intervals that on the road in between, Border Patrol can get to the site and pick up the illegal entrants. So that is why this kind of fencing is so important.

As I said, with the money that is provided in this amendment that is before us right now, we will be able to complete at least 370 miles of fencing along the southern border by the end of next year.

We need additional detention space. In Del Rio, TX, in Yuma, AZ, there are programs already that apprehend illegal immigrants. When they have been apprehended more than once, they are put into detention immediately. Now, about 85 percent of the illegal immigrants just want to come here to work. The other 15 percent are criminals, and some are very serious criminals. You need to detain them.

But it is also helpful to detain those who have come across repeatedly to find work. Why? They cannot afford 60 days in jail where they are not providing for their families. And it is a great incentive for them to decide not to cross the border anymore because if they are going to get put in jail, then they are not going to be able to provide the money to their families that they came across here in the first instance to provide.

So those programs have reduced the immigration in those areas dramatically. But we need more detention spaces for this particular kind of detention. Again, this \$3 billion will help to provide that. It can help to provide more prosecutors and public defenders and judges because once you have detention, of course, you also may have criminal trials and you may need to have the entire chain of the criminal justice system funded.

In addition, this funding that we will be providing in this amendment will help to improve the verification system that employers are required to use, the so-called E-Verify system, to make sure it is operating accurately at full capacity.

This is particularly important in my State because, frustrated by the lack of action by the Federal Government to have a good system, our State passed a law that will provide serious sanctions on employers who hire illegal immigrants. But they have to rely on the Federal system to make that determination. It is not, right now, in the best of shape. It needs to be improved. The capacity is there, but the ability to determine valid identity is not. So money in this bill will help to get the Federal system into a position that States could rely on in order to enforce their own State laws against hiring illegal immigrants.

So there is much more that this \$3 billion provides. But I wanted to thank my colleague, Senator GRAHAM, for his work in making sure, whether it is on the Department of Homeland Security bill or this bill, we make sure, one way or the other, that we will have the funding to continue to work to secure the border and to make sure that we can stop the illegal immigration into this country that has created so many problems for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise in support of the Graham amendment. I am proud to be a cosponsor of the amendment. I want to echo what the distinguished Senator from Arizona just said about the border in his State.

I want to talk about the importance of this from two perspectives. One is the reality of what is now beginning to work along our border because of the construction of walls. In the Yuma sector, at San Luis in Arizona, where I went earlier this year, watching the construction of the wall and watching the change of practice that is now taking place, you know, people rise and fall to expectations. If there is no expectation of consequence, then people are going to come across the border easily. Quite frankly, in Yuma and San Luis that is exactly what was going on a year ago.

But the interventions by the Border Patrol since the wall, the construction of the fence that has taken place, have dropped dramatically. Those interventions mean there are less people coming across illegally and more of those people coming across legally.

The wall is a deterrent but, most importantly, it funnels those who do want to cross our border in a legal and manageable way. I always point out San Diego, CA as the perfect example. We have an example right now of a wall and access to the United States that works and has worked for decades. There is a 16-lane highway in San Diego that comes into the United

States and goes out. Through that passage, people and commerce pass every day. There is a bridge above the passage on the American border, and there are agents in each row of the cars as they come through. There are detectors for radiation, for illegal drugs, there are dogs, and arrests are made every day. The reason those cars flow and the reason it is respected is because on both sides of San Diego, there are two parallel walls with cameras, border security agents, and the only way to come into the United States is the lawful way. So if you picture for a second the high-density population areas of the southwestern United States with borders with Mexico, such as Yuma and San Luis, you can have the same type of thing there that happens in San Diego—a free passage that is legal, defensible, safe, and secure. Border Patrol agents can actually concentrate on the area of passage rather than trying to be every place at once on a border that is wide open and has no deterrent.

We have serious problems in enforcement. Our States are reacting to problems of illegal immigration. Our businesses are reacting to the problems of illegal immigration. Yet we have given them no relief. We can't validate our documents for businesses that hire people or tell them whether they are legal. We are within 18 months of finally digitizing all vital records of all States which will give us a way to end Social Security fraud. But we need to step on the accelerator. We need to see to it that respect for the laws of the United States is replete. We need to see to it that we have done the things as the Federal Government to allow our State governments to function and manage this country and manage employment and manage our aliens who come here legally.

I commend Senator GRAHAM on his continuing hard work on the issue of border enforcement and enforcement of immigration laws. I urge each Member of the Senate to adopt the Graham amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank both of my colleagues for speaking on the amendment. Senator KYL knows as much about this issue as anyone I have ever met. Senator ISAKSON has made it a point to educate himself. He has been to the border several times and was instrumental in trying to find a comprehensive approach, which fell last time, to ensure that the border would be secure before anything else happened. We are building off his work, basically. The \$3 billion we have available in this amendment is designated as an emergency, an oft-used term around here when it comes to spending money. But I can assure everyone that securing our border is a national emergency, because it is a national security problem not to be able to control who

comes into your country. The \$3 billion appropriations in this amendment will allow us to complete projects already designated and to build out border security in a way never known before.

I hope it is a confidence builder. The goal of the amendment is prove to the public that Congress is very serious about securing the border, and we are putting money on the table that has never been there before. We are sort of prepaying the cost of border security as a statement by the Congress to the American people that we are very serious about securing our border. This is one piece of the puzzle. Fencing is part of it, additional border security, Border Patrol agents, more bed space to keep people who have been caught coming across the border illegally. It will create a deterrent. It all works together. The verifying of employment, the magnet that draws people to our country is employment, jobs. We are trying to find a way to verify who is here legally so our employers will be able to tell, if someone is applying for a job, their legal status. Right now that is difficult to do. This \$3 billion is an emergency appropriations, properly designated, that will fundamentally change border security for the better. It will put money on the table that is needed, help build a fence that is needed, hire more Border Patrol guards who are needed, create more bed spaces to house people who have broken the laws—all is needed as part of the puzzle. This by itself will not solve the immigration problem, but it is a start. For people who want border security first, this is a recognition that we have listened to you. We understand what you are saying. We are putting money aside to make sure we secure the border.

Mr. TESTER. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. I certainly will. I want to get to the point on both borders, but I will yield to my friend Senator TESTER.

Mr. TESTER. Could the Senator clarify how these dollars will be used? Can they be used on the northern border as far as personnel and technological equipment?

Mr. GRAHAM. I thank the Senator for his question. That is correct. They can be. It is our intent that the money in this amendment is not specifically for the southern border but should be used to improve staffing and technology deployment on the entire border, including the Canadian border. It can be used for those purposes. I know the Senator has been very insistent that these funds be allocated to all of our border security needs, including our northern border, and they will be. I appreciate his efforts to make that a reality.

Mr. TESTER. I thank the Senator.

I ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. GRAHAM. In conclusion, this has drawn bipartisan support in the past, 89

to 1. I expect it will do the same now. There is a lot of division in the Nation over the war and many other issues, but we have come together along the lines that for America to be secure, we have to control who comes into our country. This amendment will provide funds that are missing today to allow us to secure both borders and deal with our employment problems. It is a good first step, but it is only a first step. I appreciate all my colleagues rallying around the idea.

One last comment to the chairman. I don't know if people have been watching a PBS show called "The War." It is a documentary by Ken Burns. I have been riveted every night watching the story of World War II told through the eyes of those who lived it from four communities across the country—I believe Sacramento, CA, a small town in Minnesota, Mobile, AL, and Waterbury, CT. The documentary has been trying to explain to my generation and others what it was like to live and fight during World War II. One of the people showcased in that documentary was Senator INOUE. I wanted to say for the record that I have never been more proud to call him my friend, and I would hope every American, particularly young Americans, will get a chance to see this documentary about World War II and what that generation went through to secure our freedom. There is much to be learned from his sacrifice. I end this debate about the challenges of my time, of our time regarding border security, to let America know that there was a time in the past where this country rallied together, pushed the ball up the hill, and secured victory against some very vicious enemies. I hope we can recapture that spirit. This amendment is offered in the spirit of trying to bring the country together to secure our Nation from a broken immigration system.

But to Senator INOUE, he has my undying respect and gratitude for his service to our Nation. And for all those who fought in that war and served here at home and made the outcome possible, well done.

Mr. VOINOVICH. Mr. President, as a senior member of the Homeland Security and Governmental Affairs Committee, I rise today to speak in opposition to the Graham amendment to provide an additional \$3 billion in emergency spending for the Department of Homeland Security.

I want to make clear that I agree with my colleagues that we must secure our borders and provide the resources to do it. Let me remind my colleagues that the Department's overall budget has grown more than 150 percent since its creation. Of that total, border security and immigration enforcement represents approximately one-third of the Department's annual spending.

In 2007, Congress provided \$12.1 billion in funding for border security. For 2008, the President budget requested \$13.5 billion for border security, a 12-

percent increase over the amount appropriated for fiscal year 2007. The \$13.5 billion that Secretary Chertoff requested from Congress was what he felt was needed to continue the Department's efforts to secure our borders. The Senate Homeland Security Appropriations Committee provided a total of \$14.9 billion for border security in its mark of the fiscal year 2008 Homeland Security appropriations bill, a 23-percent increase over the amount appropriated for fiscal year 2007 and a 10-percent increase over the President's budget request for fiscal year 2008.

Earlier this year, the Senate voted in favor of a similar amendment to the fiscal year 2008 Homeland Security appropriations bill. The Senate provided a total of \$17.9 billion in funding for border security and immigration enforcement, a 48-percent increase over the amount appropriated for fiscal year 2007. Because Congress failed to complete action on any of the appropriations bills, this funding remains in limbo.

The Federal Government continues to spend more than it brings in and this amendment continues that practice. If we decide we absolutely need to spend \$3 billion on something—and I support adequately funding border security—then we need to either raise more revenue or cut other spending to pay for it.

Thus, I urge my colleagues to oppose the Graham amendment.

• Mr. MCCAIN. Mr. President, I am pleased to join Senator GRAHAM, along with Senators GREGG, MCCONNELL, VITTER, CORKER, KYL, DOMENICI, CHAMBLISS, CORNYN, SUNUNU, SPECTER, ISAKSON and TESTER, in sponsoring this important amendment. This amendment would set aside \$3 billion in emergency funding to help better secure our nation's borders.

We are facing a crisis on our southern border. Every day, hundreds of people sneak across our borders, many through the State of Arizona. While the majority of these individuals are coming here to look for work, some of these illegal border crossers are criminals and people intending to do our Nation harm. The current situation is a national security crisis and we must take action to address it.

The amendment Senator GRAHAM has offered would designate \$3 billion in emergency funding to establish operational control of our international land borders. These funds would be used to hire more full-time border patrol agents as well as install double layer permanent fencing and vehicle barriers. The amendment also calls for the instillation of unmanned aerial vehicles, ground-based sensors, and cameras. In order to deter further illegal immigration, the amendment directs funds to be used to continue the Department of Homeland Security's, DHS, efforts to end "catch-and-release" programs. If an immigrant knows he will face mandatory incarceration if caught crossing the border,

that immigrant may not choose to take that risk. Also, through this amendment, funds would be made available to reimburse state and localities for costs related to cooperative agreements they have entered into with DHS that allows them to assist in the efforts to identify and deport illegal immigrants. The funds made available by this amendment would provide on-the-ground, real time assets that will help DHS to secure our Nation's borders in a 21st century way.

The final piece of the Graham amendment would address the need to improve the employment eligibility verification system by directing \$60 million to be set aside to enhance the ability of employers to verify employment eligibility. Without an effective, accurate, and accessible employment verification system undocumented immigrants will continue to be hired because they will never truly have to prove that they are legally allowed to work. We need to do away with the archaic paper-based system and utilize technology in a way that allows employers to instantaneously know if the person standing before them is who they say they are and whether or not that person can be hired legally. We must improve this system to help the government to prosecute unscrupulous employers and ensure that they are hiring and employing legal workers.

The measures outlined and funded in the Graham amendment are critical to our border security efforts and I urge my colleagues to support its adoption. • I yield the floor.

The PRESIDING OFFICER. Time has expired.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I thank Mr. GRAHAM for his generous remarks.

In the spirit of expediting the process before us, I yield back the remainder of my time.

AMENDMENT NO. 3119, WITHDRAWN

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, amendment No. 3119 is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I am extremely pleased the Senate is about to adopt Senator GRAHAM's border security amendment to this bill, and I am proud to be a cosponsor.

We got the message earlier this year: Americans want a strong and secure border. Now we will be sending them a \$3 billion down payment on it.

The border is our first line of defense. The Graham amendment is intended to make sure we don't lose sight of that, and our adoption of it proves we haven't.

Thanks to this amendment, we'll soon have thousands more agents patrolling the border; Three hundred miles of vehicle barriers; and 105 ground-based radar cameras.

We will finish hundreds of miles of fencing we already promised to build, and we will have the funds to remove and detain potentially dangerous illegal immigrants for overstaying their visas and illegally reentering the country.

To Republicans, it is simple: There is no defense without a strong border first. I think most Americans agree.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The question is on agreeing to Graham amendment No. 3117.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

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

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—95

Akaka	Corker	Klobuchar
Alexander	Cornyn	Kohl
Allard	Craig	Kyl
Barrasso	Crapo	Landrieu
Baucus	DeMint	Lautenberg
Bayh	Dodd	Leahy
Bennett	Dole	Levin
Biden	Domenici	Lieberman
Bingaman	Dorgan	Lincoln
Bond	Durbin	Lott
Boxer	Ensign	Lugar
Brown	Enzi	Martinez
Brownback	Feingold	McCaskill
Bunning	Feinstein	McConnell
Burr	Graham	Menendez
Byrd	Grassley	Mikulski
Cantwell	Gregg	Murkowski
Cardin	Hagel	Murray
Carper	Harkin	Nelson (FL)
Casey	Hatch	Nelson (NE)
Chambliss	Hutchison	Pryor
Clinton	Inhofe	Reed
Coburn	Inouye	Reid
Cochran	Isakson	Roberts
Coleman	Johnson	Rockefeller
Collins	Kennedy	Salazar
Conrad	Kerry	Sanders

Schumer
Sessions
Shelby
Smith
Snowe

Stabenow
Stevens
Sununu
Tester
Thune

Vitter
Webb
Whitehouse
Wyden

NAYS—1

Voinovich

NOT VOTING—4

McCain
Obama

Specter
Warner

The amendment (No. 3117) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized to offer an amendment.

Mr. FEINGOLD. Mr. President, without objection, I yield briefly to the Senator from Delaware.

Mr. BIDEN. Mr. President, I say to the managers, I am going to ask to introduce an amendment. I am not going to ask for it to be considered now. I only want to lay it down.

I ask unanimous consent that the pending amendment be set aside to call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, if I could say to the distinguished chairman of the Foreign Relations Committee, we are trying to work toward the end of this bill. I am wondering, do you want votes on these two amendments?

Mr. BIDEN. One I think will be worked out and the other one I wish to talk with the Chair about whether I would ask for a vote. I may ask for a vote.

Mr. REID. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, can we do it in the regular order?

Mr. BIDEN. My friend is accommodating my schedule. I am going to allow us to move on rather than come back after he speaks. That is all. It is an accommodation of my schedule; nothing beyond that.

Mr. STEVENS. The amendment will be pending, right?

Mr. BIDEN. I assume unanimous consent will be asked to move off that amendment and back on to the business of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might ask what the Feingold amendment is and how long he expects to take, and whether he expects to vote on that amendment.

Mr. FEINGOLD. Mr. President, the amendment is very similar to the previous Feingold amendment relating to the Iraq war and using the power of the purse to terminate our involvement

there. I believe there will be a unanimous consent request made to have an hour on each side for the debate.

Mr. BAUCUS. Mr. President, further reserving, I wonder—and this is a bit of an imposition—if I could ask unanimous consent to speak on the SCHIP override vote 5 minutes preceding the Senator offering his amendment.

Mr. FEINGOLD. Mr. President, I have no objection to deferring our consideration of the amendment so the Senator from Montana can speak for 5 minutes.

Mr. BAUCUS. I deeply appreciate it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. STEVENS. I did not hear the request.

The PRESIDING OFFICER. The Senator from Montana wishes 5 minutes to speak.

Mr. BAUCUS. Five minutes on the Children's Health Insurance Program override—5 minutes—and then go back to the regular order.

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

Mr. BAUCUS. I thank my colleagues.

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

AMENDMENTS NOS. 3167 AND 3142

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3167, for himself and Mr. NELSON of Florida, and an amendment numbered 3142.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3167

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, \$4,000,000 for MARK V replacement research)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

AMENDMENT NO. 3142

(Purpose: To provide an additional \$23,600,000,000 for Other Procurement, Army, for the procurement of Mine Resistant Ambush Protected vehicles and to designate the amount an emergency requirement)

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by

\$23,600,000,000, with the amount of the increase to be available for the procurement of Mine Resistant Ambush Protected (MRAP) vehicles: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. BIDEN. Mr. President, I ask unanimous consent to add Senators GRAHAM, CASEY, and SANDERS as co-sponsors of amendment No. 3142.

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

Mr. BIDEN. Mr. President, I thank my colleagues for their courtesy.

Mr. President amendment No. 3142 is very simple. It provides the \$23.6 billion in funding needed to replace every Army up-armored HMMWV in Iraq with a mine resistant ambush protected, or MRAP, vehicle.

It is exactly the same thing we did on the authorization bill that was passed Monday night.

Our commanders in the field tell us that MRAPs will reduce casualties by 67 to 80 percent.

The lead commander on the ground in Iraq, LTG Ray Odierno told us months ago that he wanted to replace each of the Army's approximately 18,000 up-armored HMMWVs in Iraq with an MRAP.

Instead of adjusting the requirement immediately, the Pentagon has taken its time to study this issue. They originally agreed that the Army should get 380 MRAPs. That was in December 2006.

Then, in March of this year, they agreed to 2,500.

In August, they added a few more and agreed to 2,726 for the Army.

This month, they have agreed that the general needs a little over half of what he asked for—10,000. Slowly they are getting there.

We have seen this movie before with the body armor and with the up-armored HMMWVs. Until Congress insisted that the better protection be fielded to all those in Iraq, it was not.

So, today, we are insisting that the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

To be honest, I cannot understand why it is taking so long to agree to replace them all. It makes no sense. We know how effective these vehicles can be.

Just last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested at Aberdeen with 300 pounds of explosives below them and they survived.

Are we only supposed to care about the tactical advice of our commanders in the field when it is cheap?

I don't think that is what the American people or our military men and women expect from us.

I know some will say that it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not?

This is basically a modified truck. With real leadership and a national level commitment, America can cer-

tainly make this happen. I believe in the "can-do" spirit and deep patriotism of our businesses. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the front line.

But I also know that we have to do our part. In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed up-front.

Contractors and subcontractors can only expand their capacity if we are clear on what we need and that we will fully fund it.

This amendment allows us to do that.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down.

Once we provide the full funding, American businesses must step up and get it done and the Pentagon must manage the program aggressively and attentively and the President must make it clear that this is a national priority.

But we have no chance of making all of the needed vehicles, as quickly as possible, if we fund the program bit by bit, in fits and starts. We must do our part.

Once again, I ask my colleagues to weigh their options.

Do we do our best to save American lives, knowing that the only downside is the possible need to reprogram funding at the end of the year? Or do we care more about some unknown total wartime funding limit than those lives?

We have an obligation to provide the best possible protection to each and every military man and woman while they are in the line of fire. If these vehicles can reduce American casualties by two-thirds or more, how can we do anything else? I agree with the Commandant of the Marine Corps, GEN James Conway when he said, "Anything less is immoral."

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

BACK TO WORK FOR CHILDREN

Mr. BAUCUS. Mr. President, I thank all of my colleagues for their indulgence.

It was with sadness and frustration and even anger that I learned of the President's veto of the Children's Health Insurance Program. I am sad, because I am thinking first and foremost of the children without health coverage today. Those children could have had health coverage tomorrow had the President signed this bill. For now, thanks to his veto, these children will continue to go without doctors' visits. They will go without the medicines they need to stay healthy.

I have frustration, because we worked for months on a bipartisan Children's Health Insurance Program

agreement in the Senate. The House wisely adopted it. It was passed by an overwhelming margin. It deserved better consideration by the President of the United States.

Instead, the carefully crafted compromise that we sent to the White House became the subject of a campaign of misinformation. That campaign was designed to obscure the true help for families contained in our bill, and that is frustrating.

There is anger as well, because that is what so many parents in my own State of Montana and all across this country are feeling, and are right to feel today. There is anger because working families are not getting what they deserve. The pain of not being able to provide reliable health care for a child has to be excruciating. The President has the power to end that pain for millions of parents today. Congress gave him the chance to help children get the health care they need, but the President said no.

It has to make hard-working parents angry. They have a right to be angry—for a minute—but then we have to get back to work for America's children.

The President has allowed politics to obscure the good that the Children's Health Insurance Program does for low-income, uninsured American children. And he has allowed ideology to obscure the good that this bill could do for millions more.

We must take a different path. We cannot allow anger to get in the way of the work that must be done. There is too much at stake for our children.

Regardless of the administration's objections, these are still the facts. Our Children's Health Insurance Program Reauthorization Act already does what the President has asked:

It focuses coverage on the lowest income children—the original mission of CHIP. More than 9 out of 10 kids served by CHIP are in families earning less than twice the poverty level; it keeps CHIP for children by curbing and even eliminating adult coverage; and it takes great pains to reach children who are without insurance—not those who already have coverage. Our bill gives States incentives to find the low-income kids already eligible for CHIP.

We worked hard to craft a responsible bill, because we know the good that CHIP has done; and we will not give up on enacting it into law, because we see how much more good CHIP can do.

After months of cooperation, Republicans and Democrats, the Senate and the House must work together again to override this ill-considered veto. A poll released just yesterday says that nearly out three out of four Americans support the approach in our bill.

How can the President turn a blind eye to those who need this bill the most? How can he deny them what they need more than anything: to be healthy? How can he look into a mother's eye and say that he supports CHIP, while at the same time his hand strikes it down?

CHIP is the right answer for thousands of children in Montana and millions across the country. They need health coverage and care today. So here in the Senate, we will do our part to override this veto. We are going to make the case to more colleagues who should support this bill. We're going to bring together those who value kids over politics. We will vote for America's children. We will seek to end the sadness, frustration, and anger that so many families must feel over this veto. We will tell them that the help and hope of the Children's Health Insurance Program is still possible for their own children.

Mr. President, we are not finished working for America's children.

Ms. STABENOW. Will the Senator yield for a question?

Mr. BAUCUS. Yes.

Ms. STABENOW. I rise with a brief question. I wish to say we would not be at this point, we would not have this bipartisan majority without the work of the Senator from Montana and Senators GRASSLEY, HATCH, and ROCKEFELLER. The chairman has been the person who reminds us every day that it is about the children.

Isn't it true that we do, in fact, believe we have wonderful bipartisan support, enough to override a Presidential veto here and in the House of Representatives?

Mr. BAUCUS. I say to my good friend from Michigan, it is strongly bipartisan. It was enacted first in 1997 as a bipartisan program. People love it, and it worked well. The legislation we passed in the Senate, and that which passed the House, is an extension to help a few more low-income uninsured kids. It is very important and very much bipartisan.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent that there be 120 minutes for debate with respect to the Feingold amendment, with the time equally divided and controlled between Senators FEINGOLD and INOUE or their designees; that no amendment be in order to the amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment; that the amendment must receive 60 votes to be agreed to, and if the amendment doesn't achieve that threshold, then it be withdrawn; that if it receives that threshold, then it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

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

The PRESIDING OFFICER. It is the Biden amendment No. 3142.

AMENDMENT NO. 3164

Mr. FEINGOLD. Mr. President, I ask unanimous consent to set aside that

amendment and call up my amendment, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3164.

Mr. FEINGOLD. 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 safely redeploy United States troops from Iraq)

At the end of title VIII, add the following:
SEC. 8107. (a) USE OF FUNDS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to the obligation or expenditure of funds for the following, as authorized by law:

(1) To conduct operations against al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I am offering this amendment with Majority Leader HARRY REID, and Senators LEAHY, DODD, KERRY, BOXER, WHITEHOUSE, KENNEDY, HARKIN, SANDERS, WYDEN, SCHUMER, and DURBIN. I appreciate the support of the Senate Democratic leadership and so many of my colleagues for this amendment.

The amendment we are offering is simple—it would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008, with narrow exceptions. It is very similar to the amendment that we offered last month, so I won't take up too much time explaining what it does. I do, however, want to explain why the Senate should take up this issue again, so soon after we last considered it.

Some of my colleagues like to call Iraq "the central front in the war on terror." But they don't spend as much time talking about the other areas where al-Qaida and its affiliates are operating, nor do they recognize that the administration's singular focus on Iraq is depriving those other areas of the attention and resources they need.

Take Afghanistan, for example, where an already weak government is grappling with a resurgence of the Taliban and rising instability. Reports indicate that there has been a 20 to 25 percent increase in Taliban attacks in recent months. Because this administration seems blind to the threats to

our national security outside of Iraq, Afghanistan has been relegated to the back burner for far too long, at grave cost to our national security.

Last week, President Bush met with Afghan President Hamid Karzai in New York City, on the sidelines of the U.N. General Assembly opening session, but according to news reports he made no mention of the Taliban's resurgence. That's a pretty big omission. After all, it was the Taliban that supported bin Laden and provided him and his associates with sanctuary in the run up to 9/11, and shortly thereafter. President Bush was right to take us to war in Afghanistan. That was a war focused on those who attacked us on 9/11 and on the government that provided a safe haven to al-Qaida.

But with the 2003 invasion of Iraq we have been significantly distracted and the war in Afghanistan, once the main show, now has a supporting role, at best. As a result, al-Qaida has protected, rebuilt, and strengthened its safe haven in the Pakistan-Afghanistan border region. You only have to look at the front page of today's Washington Post—and see the headline "Pakistan Losing Fight Against Taliban and Al-Qaida"—to realize how dangerous this situation is to our national security.

We have taken our eye off the ball, Mr. President. The war in Iraq has shifted our focus and our resources. We are focused on al-Qaida in Iraq—an al Qaida affiliate that didn't exist before the war—rather than on al-Qaida's safe haven along the Afghanistan-Pakistan border.

In Afghanistan, the absence of adequate security and development has led to increased disillusionment with the national government, which has in turn resulted in increasing civilian support for the re-emerging Taliban. It goes without question that the vast majority of Afghans have no desire to return to the Taliban era, but the inability of President Karzai to extend control outside the capital has meant that much of the Afghan population suffers from pervasive fear and instability. We may see Afghanistan once again engulfed by chaos, lawlessness, and possibly extremism.

As long as Bin Laden and his reconstituted al-Qaida leadership remain at large, Afghanistan's future can not be separated from our own national security. But with our myopic focus on Iraq—and so many of our brave troops stuck in the middle of that misguided war—we have lost sight of our priorities. Mr. President, we are attempting to help stabilize and develop Afghanistan "on the cheap," and that just isn't good enough.

Afghanistan is teetering on the edge. Pockets of insecurity across the nation are becoming strongholds for anti-government insurgents who are, in turn, exploiting the local population to support their anti-western agenda. This problem is compounded by the dearth of sufficient international ground troops, which has coincided with coalition forces using increased air attacks

against insurgents. Those attacks carry a greater risk of civilian casualties, undermining our support among the populace. Although the majority of attacks on civilians are perpetrated by the Taliban and other insurgent groups, the lack of ground troops is seriously undermining our efforts in Afghanistan.

We also face instability and insurgent attacks in Iraq, of course. But unlike in Iraq, where 165,000 U.S. troops are stuck in a civil war that requires a political solution, in Afghanistan we are fighting with far fewer troops to protect and advance the political progress of the Afghan people. Our troops accomplished their mission in Iraq when they took out Saddam Hussein—maintaining a massive troop presence in that country just fuels anti-Americanism and serves as a recruitment tool for terrorists. We have not accomplished our mission in Afghanistan—denying a safe haven to those who aided and abetted the 9/11 attacks.

Instead of seeing the big picture—instead of placing Iraq in the context of a comprehensive and global campaign against a ruthless enemy, al Qaeda—this administration persists in the tragic mistake it made over 4 years ago when it took the country to war in Iraq. That war has led to the deaths of more than 3,700 Americans and perhaps as many as 1 million Iraqi civilians. It has deepened instability throughout the Middle East, and it has undermined the international support and cooperation we need to defeat al-Qaeda.

Mr. President, the war in Iraq is not making us safer; it is making us more vulnerable. It is stretching our military to the breaking point and inflaming tensions and anti-American sentiment in an important and volatile part of the world. It is playing into the hands of our enemies, as even the State Department recognized when it said that the war in Iraq is “used as a rallying cry for radicalization and extremist activity in neighboring countries.”

It would be easy to put all the blame on the administration, but Congress is complicit, too. With the Defense appropriations bill before us, we have another chance to end our complicity and reverse this President’s intractable policy. Finally, we can listen to the American people, save American lives, and protect our Nation’s security by redeploying our troops from Iraq.

I understand that some Members of Congress do not want to have this debate now, on this bill. They would rather keep the Defense Appropriations bill “clean” and postpone Iraq debates until we take up the supplemental. I respect their views, but I disagree. Like it or not, this is, in part, an Iraq bill. It isn’t possible to completely separate war funding from regular DOD funding, Mr. President. In fact, this bill pays for a significant part of our operations in Iraq. It is therefore appropriate and responsible that we attach language bringing that war to a close.

That is why I am again offering an amendment with Majority Leader HARRY REID to effectively bring the war to an end. Our amendment is very similar to the amendment we introduced last month to the Defense authorization bill. It would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, with our troops safely out of Iraq, funding for the war would be ended, with narrow exceptions for troops to do the following: provide security for U.S. Government personnel and infrastructure; train the Iraqi Security Forces, ISF, and conduct operations against al-Qaeda and affiliates.

In order to make clear that our legislation will protect the troops, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need “to ensure, maintain, or improve their safety and security.” I hope we won’t be hearing any more phony arguments about troops on the battlefield somehow not getting the supplies they need. It is false, phony, and it is a red herring and should not be used on the floor of the Senate.

Passing this amendment will not deny our troops a single bullet or meal.

It will simply result in their safe redeployment out of Iraq. When I chaired a Judiciary Committee hearing earlier this year on Congress’s power of the purse, Walter Dellinger of Duke Law School testified about my proposal. This is what he said:

There would not be one penny less for salary for the troops. There would not be one penny less for benefits of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or support. Those troops would simply be redeployed to other areas where the Armed Forces are utilized.

The Feingold-Reid amendment is a safe and responsible use of Congress’s power of the purse. It is the path we took in 1993 when, in the aftermath of the “Black Hawk Down” incident, the Senate overwhelmingly approved an amendment to the Defense appropriations bill that set a funding deadline for U.S. troop deployments in Somalia. Seventy-six Senators voted for that amendment, sponsored by the current senior Senator from West Virginia. And many of these Senators are still in this body, such as Senators COCHRAN, DOMENICI, HUTCHISON, LUGAR, MCCONNELL, SPECTER, STEVENS, and WARNER. They recognized that this was an entirely appropriate way to safely redeploy U.S. troops. With their support, the amendment was enacted, and the troops came home from Somalia before that deadline.

In order to avoid a rule XVI point of order, this amendment is slightly different than the version we offered last month. The new amendment only covers funds in the 2008 Defense appropriations bill, and it omits the first two sections of the old Feingold-Reid amendment which required the President to transition the mission and to

begin redeployment within 90 days. In addition, the exceptions for operations against al-Qaeda and for training the ISF are less detailed and restrictive than they were before. But the intent is the same. After consulting with the parliamentarians, we have made these changes to ensure we are not blocked from getting a vote. The heart of Feingold-Reid—the requirement that our troops be redeployed by June 30, 2008—remains.

Some of my colleagues will oppose this amendment. That is their right. But I hope they will not do so on the grounds that we should keep the Defense appropriations bill clean, or that a brief debate and vote on this amendment will somehow delay that bill. Passing a defense spending bill without even discussing the most important national defense and national security issue facing our country is simply irresponsible. As long as our troops are fighting and dying for a war that doesn’t make sense, as long as the American people are calling out for an end to this tragedy, as long as the administration and its supporters press ahead with their misguided strategy, we have a responsibility to debate and vote on this issue again and again and again.

By enacting Feingold-Reid, we can refocus on our top national security priority—waging a global campaign against al-Qaeda and its affiliates. We can refocus on developing a comprehensive strategy for dealing with deteriorating conditions in Afghanistan that link together the policies and programs needed to establish a viable state there, and we can focus on the other areas around the world, from North Africa to Southeast Asia, where al-Qaeda and its affiliates are operating.

The war in Iraq is the wrong war. It is overstressing our military and undermining our national security. It is time for the war to end. I urge my colleagues to support the Feingold-Reid amendment.

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

The PRESIDING OFFICER (Mr. MENENDEZ). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we turn again to the Feingold-Reid amendment. I have cosponsored this amendment in the past, and I am happy to do so again today. This amendment is another chance for us to show real leadership by forging a responsible and binding path out of the quagmire in which we find ourselves in Iraq.

In just a few short months, we will be starting the sixth year of this war. We just watched the series on television, the wonderful piece that Ken Burns produced of that war, a terrible, difficult war. It was long over by the time

we engaged in this war—a war that fought the world, the Far East, Europe, Africa, the South Pacific. And here we are soon to start the sixth year of this war, and we are in a war that has been fought in an area the size of the State of California.

This amendment puts before us a binding national policy, a strategy that Democrats and some courageous Republicans have advocated for months. I don't agree with my friend from Nebraska, CHUCK HAGEL, on a lot of issues, but I say that his leadership, leading Democrats, Republicans, and Independents, on this war issue is one of the most courageous political acts I have seen. I have told him so. I believe it. So there are Republicans who have joined in this effort, and I admire every one of them.

We are asking for a strategy that is the best path for the people of the United States and Iraq. It is a path. This legislation changes our fundamental mission away from policing a civil war, reduces our large combat footprint, and focuses on those missions which are in the national security interests of the United States.

It exercises congressional powers that we have within the Constitution—powers to limit funding after June 1 of next year well into the sixth year of the war—to counterterrorism, force protection, and targeted training of Iraqi forces.

This amendment recognizes we have strong interests in Iraq and the Middle East, but it does not permit the open-ended role of the United States in a civil war.

Nearly all experts agree that 6 years after our country was attacked on 9/11, the President's preoccupation with Iraq has not made America any more secure. Afghanistan is under attack. We need more forces there, not less. We cannot send them because we are bogged down in Iraq. The Taliban is attacking us with drug cultivation and trafficking at the highest level in years.

Pakistan's tribal border areas have become an increasingly alarming safe haven where bin Laden and a new generation of al-Qaida affiliated terrorists remain free to plot terrorist attacks.

As we all know, Iraq is mired, I repeat, in a civil war, an intractable civil war with no political reconciliation in sight. It is long past time for meaningless resolutions and minor policy tweaks. We need a major change of course in Iraq, one that responsibly brings our troops home, rebuilds the readiness of our military, and returns our focus on fighting a real war on terror against bin Laden and his al-Qaida network.

I urge my colleagues to support this responsible and long overdue legislation. I think Senator FEINGOLD and I are not aware of how votes have been taken on this issue in the past, but we want others to step forward and do what we believe is right. It is time to chart a course out of Iraq and return

our forces to the real and growing threats we face throughout the world.

Yesterday, the House of Representatives passed the Tanner bill with overwhelming bipartisan support. This legislation would require the President to provide Congress with reports within 60 days of the administration's plans for drawing the war to a close.

Is this a step in the right direction? Some say so. We know the administration failed from the very beginning and repeatedly thereafter to adequately plan for the war in Iraq. We know the President took us to war without a plan for peace. Since then, his administration has resisted any attempts to examine his failures or to consider broad changes to his strategy in Iraq. The White House stubbornly refused to take on all the detailed planning that those changes would require. There is no sign that this shortsighted administering of the war will end.

If Congress does not act, the administration is bound to repeat the same mistakes—finishing the Iraq war as irresponsibly as it was started. The administration should begin planning for the end of the war and the redeployment of our troops, and Congress should expect this to be made available for oversight and examination.

Some of my colleagues would like to see the Senate take up the legislation that passed the House yesterday. It is within their rights. It is legislating on an appropriations bill, and in a conversation I had with one of my colleagues who indicated they might offer it, the two managers said they will raise a point of order.

I am not one for more reports. I think we need more than reports. But I admire those people who proffered this amendment that was adopted overwhelmingly in a bipartisan vote. I hope we can get those who believe the war has gone on too long, and we need a change, to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope the Senate will complete action on this bill today. The Senators from Hawaii and Alaska have worked in a bipartisan manner to determine how to provide the resources necessary to sustain the operations of the Department of Defense while providing the capability to meet future threats. It is worth noting that this bill was reported by the Appropriations Committee by a unanimous vote. The bill does not attempt to force controversial policy changes that would trigger a veto by the President. The bill fully supports our military by providing increases in end strength for the Army and Marine Corps. It supports military health care reforms, and it provides needed funds to replace or repair and maintain aging and heavily used equipment.

Our military is providing trained and equipped forces to sustain multiple fronts on the global war on terrorism, while at the same time transitioning the force to meet future threats. Our

military leaders need these resources in a timely manner if they are to succeed.

It is particularly critical that we complete action on the Defense appropriations bill as soon as possible to support our men and women in uniform and the civil servants who work with them. We need to complete action on this Defense appropriations bill so we can go to conference with the House and deliver a bill as soon as possible to the President.

While the continuing resolution we passed last week contains some bridge funding to support the troops through November 16, it is not adequate for the longer term.

The President submitted a fiscal year 2008 war supplemental request in February. Last week, in our Appropriations Committee hearing, Secretary of Defense Gates made clear the need for this additional funding. We should not delay action on providing supplemental funding until next year. It is simply unacceptable.

The fact is, we have tens of thousands of American men and women in Iraq, Afghanistan, and around the world performing the mission that our Government has assigned to them. The new fiscal year has already begun. We should not cause uncertainty or hardship for our Armed Forces or try to change American policy in Iraq by starving our troops of needed resources. Let's get on with it and provide our men and women in uniform the resources they need to perform that mission successfully.

Mr. President, I suggest the absence of a quorum. I withhold that request.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 40½ minutes remaining.

Mr. FEINGOLD. Mr. President, let me say quickly, before I turn to the Senator from Connecticut, how much I admire the Senator from Mississippi. We have worked closely. His response to our amendment is about the need to move on and pass the Defense appropriations bill. Obviously, this is not getting in the way of doing that. We immediately agreed to a 2-hour time agreement. This is perfectly reasonable in light of the fact that this is the biggest military situation we have had in decades in this country. So it seems like a very minor thing to spend 2 hours on this amendment. We have a time agreement, so in no way will this be preventing us from moving forward to passage of the Defense appropriations bill.

I now turn to my colleague and very strong supporter on these efforts, the Senator from Connecticut, and yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my friend and colleague from Wisconsin. I, once again, express my gratitude to

him for raising this issue, as he has on numerous occasions in the past. It is no surprise whatsoever that he would do so again on this very critical piece of legislation.

Let me say that my friend from Mississippi, for whom I have the highest regard and respect, has a job to do to get this bill out. We understand that as well. But I would underscore the points made by the Senator from Wisconsin. There is no other more important issue, I would posit, than the one which is the subject of this amendment: that is, the continued military involvement in Iraq and the important question of our increased safety and security, and the possibility of Iraq reaching some reconciliation with its political and religious leaders. Is there still a rationale for our continued presence there, as posited by those in favor of this policy?

I would argue that there is not. This subject matter is about as critical as it gets for this body to debate. In fact, one may make the case that debating two hours on an amendment such as this is hardly adequate time when you consider what is at stake, not just in terms of contemporary issues, but the long-term security interests of our country. Those interests are going to be affected and, I would argue, adversely affected by a policy that raises serious questions.

Last month, I came to the floor of this body to speak in favor of a similar amendment offered by the Senator of Wisconsin, along with Senator REID. It was, I am convinced, a sensible plan for ending our disastrous policy in Iraq. The reasons for doing so are so crystal clear to the public; they hardly need rehearsing here, but for the sake of those who may not have followed it, let me summarize those arguments briefly. I would ask my colleagues to forgive me for being redundant, but I find the following exchange that occurred just a few days ago so astounding and so telling of the folly of this conflict that it bears repeating.

It comes from two full days of testimony before Congress by General Petraeus. Let me say that I have tremendous admiration for General Petraeus. I don't know him personally, but I admire his service to our country. It has been a distinguished service. Others have had difficulty with it. I don't. He is not the architect of policy; as a senior military official, he is asked to execute policy. So if people are upset about policy, their opposition should be toward those who create the policy, not those we ask to carry it out.

There was an exchange between Senator WARNER of Virginia and General Petraeus before the Senate Armed Services Committee that I thought was incredible in its simplicity and directness, and I admire General Petraeus for his candor and honesty in answering the question Senator WARNER posed to him. It was maybe the most direct and serious question raised in all those hearings, and it goes to the heart of all this debate.

The question to the General from Senator WARNER was the following:

Do you feel that the war in Iraq is making America safer?

A very simple question—not any more complicated than that. General Petraeus said:

I believe that this is indeed the best course of action to achieve our objectives in Iraq.

Senator WARNER followed up with:

Does it make America safer?

General Petraeus's answer was:

I don't know, actually.

I don't know. I don't know, actually. To the families of the 3,808 men and women who have lost their lives, this is cold comfort indeed, that the commanding general has not even convinced himself that this war serves our security.

That is the fundamental issue, Mr. President. The basic question we must ask ourselves in matters such as these, first and foremost: Does this policy make us safer, more secure, less vulnerable, less isolated in the world? If you don't know the answer to that—and I suspect even the general may have some serious doubts about it or he wouldn't have been as candidly vague in his answer here—we must reexamine whether it is in our interest to pursue that policy. Frankly, I think there are overwhelming numbers of us here who have, at the very least, serious doubts about this tactic—and that is what it is; it is not a strategy but a tactic—to achieve our greater security and safety. If your answer to that question is no, as it is for me and I think for many others, the evidence is overwhelming here that we are turning Iraq into a Petri dish for jihadists and terrorists.

We have every other nation packing its bags and leaving. So this coalition of the willing is evaporating. Every other issue we are grappling with internationally is seen through the prism of Iraq. Whether it is Darfur, Latin America, Asia, or whatever else the issue is, it is all seen through that prism. So not only does it affect the outcome in Iraq, it is affecting every other consideration in which this Nation is involved. For anyone who believes we are safer, more secure, less vulnerable, less isolated as a result of pursuing this policy, I have serious reservations, as I believe General Petraeus did in his answer to our colleague. The consensus is strong and growing, I believe, that our current course has failed to make Iraq safe and make America safer—that it is, in fact, making this country less safe and so must change dramatically.

The Constitution does not give us the power to sit here and decide on a day-to-day, hourly basis how to manage the affairs of the Pentagon, and rightfully so. Five hundred and thirty-five Members of Congress with disparate political views cannot sit here and dictate on a day-to-day basis how this ought to be managed. We are given one power, one overwhelming power: the power of the purse. That is what makes this body unique. So I think that any other

exhausting legislative language dictating how this conflict ought to be managed, with all due respect to its authors, is not well placed. We have one responsibility: to decide, yes or no, this is a matter which deserves the continued appropriation of America's money, its tax money, to finance it. That is the question. You either believe it is or it isn't.

So the amendment being offered by Senator FEINGOLD goes to the very heart of the power this body has when it comes to the matter of Iraq and whether we fund it. If you believe we should go forward, that we are safer, more secure, then you have an obligation to fund it. If you believe it is not doing that, then you have a commensurate obligation, and that is to say enough is enough and to stop. That is our judgment, our job, to make that decision. I am not suggesting that it is not a pleasant one.

General Petraeus can be relatively agnostic on the issue. He is a general; it is his job to be agnostic, except in the confines of private conversation. But we don't have that luxury to be agnostic on these questions. We were elected to do a job, to represent our constituencies and, in a broader sense, the people at large, and we have to decide whether the continued investment of their tax dollars is worthy of this cause. I don't believe it is.

I believe the time has come—and long ago—for us to come up with a different policy that would offer Iraq more hope and our own interests in the region a far greater prospect for stability, a policy that would reestablish our presence and our moral authority in the world when it comes to the myriad other issues we must grapple with as a people.

What more could possibly happen to quell the violence between and among Iraq's Sunnis and Shiites to end this civil war?

Conversely, how much more do we sacrifice in the absence of a reconciliation which has not happened?

We all know the honest answers to those questions. And knowing them, it seems evident the administration's last-ditch supporters here are selling us little more than a policy of blind faith. Do the President's supporters think this can go on forever, or are they simply planning for it to go on until the end of the President's term and then hand it off to someone else? Will they come to this floor and claim we are invulnerable?

If General Petraeus does not know, actually—his honest answer to Senator WARNER's question—whether this war is making us safer, let's ask another question: Is this war endangering our security?

So the choice we face—and I believe it is a choice—is a clear one. It doesn't make it a painless one. In fact, I haven't been part of a more painful debate in all my years in this body, considering the length it has gone on. But to govern is to make such choices,

even—especially—when they are painful. Our choice not between victory and defeat, which has never been the issue from the very outset, even though the strongest advocates of this policy have always argued that. The issue was never the victory or defeat of our military in Iraq. It was always to create the space and opportunity for reconciliation, a positive political conclusion in Iraq.

The choice is either trying to end Iraq's civil war through the use of military force, or demanding that Iraq's political leaders take responsibility through solving their civil conflict through the only means possible—through reconciliation and compromise.

Yet we are now going into nearly the fifth year, and even with the pleadings of an American President, the Vice President, senior military people, and Lord knows how many Members of Congress, of both political parties—even as recently as a few weeks ago—the political leadership of that country has not taken advantage. It has not found compromise.

If you argue that the surge has created space, it certainly hasn't created a reconciliation. It doesn't seem anyone is able to persuade the political leadership of that country to do what all of us understand they must do, and that is to decide whether they want to be a country and work with each other, despite their differences. No one yet has succeeded in that effort. And I don't believe it is likely to happen if we continue the policy we are following.

So I believe the American people are far ahead of us on this issue. They have made their choice. It now seems to be our job, our solemn responsibility, to turn those choices into facts.

This is precisely what the Feingold amendment does, by cutting off funds from all combat operations in Iraq after June 30 of next year, with four exceptions: counterterrorism operations, protecting government personnel and infrastructure, training the Iraqi security forces, and force protection.

If all of the reasons for supporting this amendment aren't compelling enough, I might add another as well. Almost 5 years into the occupation of Iraq, the administration continues to ask us to fund the war through supplemental funding bills. It is simply astonishing to me to think that President Bush, hasn't figured out by now what this war costs on a regular basis. He ought to fund it through the regular, long-standing budget process and not hide its true cost from the American people by continuing to ask for supplemental funding, sinking this Nation further and further into a several-trillion-dollar debt.

Mr. President, let's be under no illusions as to what all Defense authorization and appropriations bills are supporting. They are supporting the continuation of our troop presence in Iraq. We cannot artificially separate a De-

fense funding bill from an Iraq supplemental bill. This is an Iraq bill, have no doubts about it.

This legislation is what will make our continued military occupation of Iraq go forward for many months to come—and this amendment is our chance to stop it. I would argue it is probably the last one until maybe sometime next year, when another supplemental bill comes up, and then we will be talking about 2009 and beyond. So we are already committing ourselves into the next decade of this century.

Moments arrive, Mr. President, and this is such a moment. Moments come and then they pass, and speeches are given later about what we wished we had done, or what we wish we had known—statements that will have no value whatsoever. We tolerate a mistake once, not twice, when it comes to this policy. This is the moment, this is the hour, this is the 2 hours we have to debate: 120 minutes is what we get to debate a policy that is costing us billions of dollars and thousands of lives and disrupting, I believe, very profoundly and seriously, the leadership of our country in world affairs.

So I urge my colleagues in the remaining moments of this debate to give Senator FEINGOLD a chance here and that we support this particular effort. Let us rise to this opportunity while we have it. Let us ensure now, while we have the chance, that all of our combat troops are out of Iraq by next summer.

Our men and women in uniform have served there with bravery, devotion, sacrifice, and incredible distinction, but there is nothing they can do now to bring about the political reconciliation Iraq so desperately needs. The choice belongs to the people of Iraq and their political and religious leaders. And no further shedding of American blood can make that choice come faster or come out right. I urge my colleagues to support the Feingold amendment and bring an end to this disastrous engagement in a desperate land.

Mr. President, I yield the floor.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to thank the Senator from Connecticut for his very strong voice in support of our amendment and in support of ending this mistaken war. I really do appreciate it, and I thank him for his help on this and hope for a strong showing on the floor of the Senate on this.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum and ask unanimous consent that the time during the quorum be equally charged on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 4 minutes, if I may, on the manager's time on the legislation.

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

Mr. FEINGOLD. Mr. President, I assume this will not come out of the time we have on this side.

The PRESIDING OFFICER. It is being counted on the Republican side.

Mr. ALEXANDER. That is correct. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, over the last several days, the Nation has watched Ken Burns' film on World War II. As I mentioned on the floor earlier, it is likely to take its place along with the series on "Roots," along with Ken Burns' own film on the Civil War, along with Super Bowls, as a part of our collective memory.

I saw a preview of Mr. Burns' film about 2 months ago at the Library of Congress. My wife and I went there with some others. He showed it. We got a sense of how remarkable it was.

He said that it represented the time in our history when our country pulled together more than at any other time. Of course, all of us have seen how that ability to pull together, to be one as a Nation, prepared us for so many great accomplishments over the past half century—great universities, great military power, producing nearly a third of all the wealth in the world for 5 percent of the world's people.

It also produced an era that is instructive to us on how well we as a country do when we work together. I think it is fitting this bill is on the floor at the time Ken Burns' film is on television. It is fitting because this war has been one that has divided us. We have not been able to unite on it, although I strongly believe we should speak with a single voice on it, and have said so by sponsoring—along with Senator SALAZAR and 15 other Senators—legislation that would give us a chance to do that by implementing the recommendations of the Baker-Hamilton Iraq Study Group.

But I am not here today to argue the importance of what I believe the Baker-Hamilton recommendations offer us. I simply want to note it is appropriate that the pending bill is being managed by Senator INOUE and Senator STEVENS. Senator INOUE is pictured numerous times during his service with the 442nd Division, which fought bravely in Europe during World War II. His heroism in that war won him the Congressional Medal of Honor. He was a Japanese American. Japanese Americans were, as the film reminds us, quarantined, reviled, discriminated against, but there he was, risking his life and limb to win the Congressional Medal of Honor.

He was in the same hospital in Italy that our former Majority Leader Bob Dole was in. They were wounded about the same time, and they served here together in the Senate for many years.

Then, on the other side of the aisle, the bill manager on the Republican side, is Senator TED STEVENS of Alaska. He was also in that war. He flew the first plane to land in Beijing after World War II ended. Senator STEVENS was a member of the Flying Tigers, who are prominently mentioned in the film.

A group of us Senators were in China last year, in a delegation led by Senator INOUE and Senator STEVENS. They were received with enormous respect because the Chinese remember Senator STEVENS' contribution to their country, and they know, of course, of Senator INOUE's heroism and leadership.

I think it is appropriate, at a time when we are debating Defense appropriations, when we are considering the motto "E Pluribus Unum," how we take this magnificent diversity in this country and make it one Nation, that we have the debate on this bill led on this floor by two men of that greatest generation, Senator INOUE and Senator STEVENS. It is appropriate that they be managing this bill.

I thought it important for us to acknowledge that.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that we go back to the quorum call and, when we do so, the time be evenly divided between the sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

PRODUCT SAFETY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our manufacturers, to our small businesses.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that

can harm them, that, in some cases, can actually kill them.

Ohio's Ashland University Chemistry Professor Jeff Weidenhamer recently tested 22 Halloween products for lead. Three products tested were found to contain high lead levels.

Acceptable levels of lead, according to the Consumer Product Safety Commission, are 600 parts per million. A Halloween Frankenstein cup, presumably a cup that ends up in a child's hand, contained 39,000—not 600—39,000 parts per million.

Both Professor Weidenhamer and I have sent letters to the CPSC demanding action. Exposure to lead can affect almost every organ in the body, especially the central nervous system. Lead is especially toxic to the brains of developing young children.

In the last century, we made gains in combating health and safety issues. Whether it was the FDA banning red dye No. 2 or chloroform in medicines or it was banning lead in paint, the Government created a structure, a safety net that makes it harder for unsafe products to reach consumers.

That safety net is unraveling before our eyes. The safety net secured to keep our families safe from lead is being systematically dismantled by our Nation's failed trade policies. Our trade rules encourage unsafe imports, our gap-ridden food and product inspection system lets those imports into the country, our lax requirements for importers let those products stay on the shelves, and our foot dragging on requiring country-of-origin labeling leaves consumers in the dark.

It is a lethal combination. From pet food to toothpaste, from auto tires to kids toys, the daily news highlights the consequences of lacksadaisical import rules and "less is less" import oversight.

Countries such as China lack the basic protections we take for granted. Given the well-known dangers of lead, particularly for young children, we banned it from products such as gasoline and paint decades ago. With the total lack of protections in our trade policy, we are importing not just the goods from those countries, but we are importing the lax safety standards of those countries.

If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, then we should not be surprised to find lead paint in our toys and contaminants and toxins in our toothpaste and our dog food.

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-regulated goods into the United States, to our child's bedrooms and our kitchen tables.

Unfortunately, trade deals put limits on the safety standards we can require for imports and how much we can even inspect imports. Our trade policy should prevent these problems, not invite them.

Now the President wants new trade agreements with Peru, Panama, with Colombia, and South Korea, all based on the same failed trade model. FDA inspectors have rejected seafood imports from Peru and Panama, major seafood suppliers to the United States.

Yet the current trade agreements, as written, limit food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

More of the same in our trade policy will mean exactly that, more contaminated imports and more recalls. We need a new approach to trade policy and to import safety. We need to write trade laws that encourage quality imports not dangerous ones. We need to empower consumers with full information about the projects they are purchasing.

It is time for a new direction in our trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. Everyone agrees on one thing: We want more trade, we want more trade with countries around the world. But first we must protect the safety of our children and the health of our families.

Mr. President, I ask unanimous consent the time remaining be equally charged.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I yield 5 minutes to our cosponsor on this issue, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment on this Defense appropriations bill goes to the most important single foreign policy issue facing America: If this is a bill about spending for the military, this may be the most important single amendment we could consider.

Senator FEINGOLD and Senator HARRY REID have brought this amendment to the floor. It has been discussed before. It is an amendment which goes to the very fundamental question: When will we start bringing American troops home from Iraq?

The President, of course, and his administration have been reluctant to even suggest that possibility will come. I think the President went so far as to say that of the 160,000 troops or more in Iraq, perhaps 5,000 or so will be home by Christmas.

At that rate, of course, this President will leave office with almost the same number as we have today, risking their

lives in the heat of combat in Iraq. Many of us remember the beginning of this war and how the American people were misled into this war. The American people were told that weapons of mass destruction threatened the United States, threatened our allies such as Israel, threatened the stability in the world.

We were given chapter and verse and detailed descriptions of biological weapons and chemical weapons and nuclear weapons. We were told Saddam Hussein had arsenals of these weapons. He had reached a point where he had so little credibility we would not even send in international observers, we knew it, they were there, and it was time to take him out.

Then obviously we were told about his reign as the leader in Iraq, nothing short of barbaric, gassing his own people, killing innocent people, ruling with an iron fist. All true. There was always the suspicion and the suggestion that somehow or another Saddam Hussein of Iraq had something to do with 9/11, that terrible tragedy we faced in the United States.

What happened? After the invasion, our great military, in a matter of weeks, took control of the country, searched it far and wide to find weapons of mass destruction and found nothing. To this day, the fifth year of this war, no evidence whatsoever of any of those weapons, one of the real main reasons we were told we had to go to war.

Saddam Hussein eventually was arrested, executed by his own people, still not a shred of evidence that he had anything to do with 9/11. The American people were misled into this war. There we sit as a Nation, not only with our reputation in the world at stake and on the line every single day, not only at the expense of allies who stood with us in fighting against the terrorism of 9/11, but more importantly, at the expense of 160,000 American lives of our men and women in uniform who are there at this very moment risking their lives for this President's failed foreign policy.

They are loyal and courageous people. I think we all understand the great debt we will always owe them and their families for what they have done. But what Senator FEINGOLD has said is it is time now for this Senate to stand up and say, unequivocally: These troops need to start coming home in a responsible way. Not all at once. That would be dangerous and foolhardy. Senator FEINGOLD does not suggest that.

What he suggests is that by June 30 of next year we will be in a position to redeploy our troops, keeping troops in the field in Iraq for specific reasons: to fight al-Qaida and other affiliated international terrorist organizations, provide security for Americans and our American Government, to provide training for Iraqi security forces, training equipment and other materials to the members of the U.S. Armed Forces—a much different mission. I

will tell you, if you take an honest look at our military today, we have pushed these fine men and women and their families to the absolute limit. It is time for us to start bringing them home.

Three thousand eight hundred and five of our best and bravest have died; 30,000 seriously injured; 10,000 with amputations, traumatic brain injuries, and terribly burns. That will be a burden for a lifetime. That is the reality of this war. That is the reality of this amendment. This is not another idle debate, this debate goes to these men and women and their families and our Nation, a Nation misled into a war, a Nation which will spend three-quarters of a trillion dollars on this war, if the President has his way, a Nation which understands the invasion was brought about by misrepresentations, misrepresentation of reality on the ground.

We owe it to our soldiers, we owe it to our Nation, and we owe it to future generations to start bringing an end to this war. It is time once again for the Iraqis to accept the responsibility for their own future, to put together a government that can govern, a defense force that can defend, and a nation that wants to be a nation.

If they cannot do that, we cannot send enough soldiers to make that happen. It has to be led by the Iraqi people, and they will never accept that responsibility as long as they can lean on the strength, the military strength of the United States.

I hope my colleagues, many of whom have dismissed this kind of amendment and said: We cannot get into this conversation until maybe next spring, we will reflect on the reality by next spring, hundreds more American soldiers will die by next spring, thousands of American soldiers will be seriously injured by next spring, billions of dollars will be spent on this war. It should be spent in America.

A strong America begins at home. This President, with his war budget, has taken away the vital services, education, health care for our children, medical research. Time and again, we find we cannot do the basics for America because this President is hellbent to stay in this war until January 20, 2009, when he walks out the door on his way back to Crawford, TX. That is unacceptable. I thank Senator FEINGOLD and Senator REID for giving us this choice today, a choice to change the course once and for all, to change the policy and move America in the right direction in Iraq.

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of the Feingold-Reid amendment.

I strongly support our troops, but I strongly oppose the war.

Our military has served nobly in Iraq and done everything we have asked them to do. But they are now caught in a quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the

Iraqis on notice that they need to take responsibility for their future, so that we can bring our troops back home to America.

As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral. We are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and is putting our troops at greater risk.

Our policy in Iraq continues to exact a devastating toll. Nearly 4,000 American troops have died, and 30,000 have been injured. The toll on Iraqis is immense. Tens of thousands of Iraqis have been killed or injured, and more than 4 million Iraqis have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

Now the President wants to use the supplemental spending bill to pour hundreds of billions of dollars more into the black hole that our policy in Iraq has become. It is wrong for Congress to continue to write a blank check to the President for the war. It is obvious that President Bush intends to drag this process out month after month, year after year, so that he can hand his Iraqi policy off to the next President.

It is time to put the brakes on this madness. We have to change our policy now. Until we do, our troops will continue shedding their blood in the streets of Baghdad other parts of Iraq, and our national security will remain at risk.

This amendment makes the change we so urgently need. It sets a clear timeline for the safe and orderly withdrawal of our troops, and it requires most of them to come home in 9 months.

It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. The Iraqis need to take responsibility for their own future, resolve their political differences, and enable our troops to come home. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so, can we add the urgency that is so clearly necessary for them to end their differences.

We can't allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor, when he knows that thousands more of the courageous members of our Armed Forces will be wounded or die because of it and when every day this misguided war goes on, our service

men and women and their families continue to shoulder the burden and pay the price.

I urge my colleagues to support this amendment.

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

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

Mr. FEINGOLD. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Wisconsin has 6½ minutes; the Senator from Hawaii has 45 minutes.

Mr. FEINGOLD. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, my colleague JOHN MCCAIN cannot be here today. He has a statement with respect to the Feingold amendment that I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. KYL. I join my colleague Senator MCCAIN in opposing the amendment and wish to read three paragraphs of his statement, and then the rest of it will be in the RECORD for all to see:

Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.

The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our mili-

tary is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

Those are the first three paragraphs of the statement from Senator MCCAIN. I join him in opposing the amendment and express his regret at not being able to be here for this debate.

EXHIBIT 1

AMENDMENT NO. 3164 TO THE DOD APPROPRIATIONS ACT FOR FY 2008: CUTOFF OF FUNDS FOR IRAQ

(Statement of Senator John McCain, October 3, 2007)

Mr. MCCAIN. Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.

The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good Nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

We see today that, after nearly 4 years of mismanaged war, the situation on the ground in Iraq is showing demonstrable signs of progress. The final reinforcements needed to implement General Petraeus' new counterinsurgency plan have been in place for over 3 months and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both houses and in countless interviews. The number two U.S. commander in Iraq, LTG Ray Odierno, has said that the seven-and-a-half-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day. His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one third of Baghdad's 507 districts were under insurgent control. Today, he said, "only five to six districts can be called hot areas."

None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive devel-

opments illustrate General Petraeus' contention that American and Iraqi forces have achieved substantial progress under their new strategy.

The road in Iraq remains, as it always has been, long and hard. The Maliki government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the United States Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, Mr. President, then we will fail for certain.

Let us make no mistake about the costs of such an American failure in Iraq. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

In his testimony before the Armed Services Committee in September, General Petraeus referred to an August Defense Intelligence Agency report that stated, " * * * a rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al Qaeda-Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethnosectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran."

Those are the likely consequences of a precipitous withdrawal, and I hope that the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should this amendment become law, and U.S. troops begin withdrawing, do they believe that Iraq will become more or less stable? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or ever likelier? That al Qaeda will find it easier to gather, plan, and carry out attacks from Iraqi soil, or that our withdrawal will somehow make this less likely?

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Last month, General Jim Jones testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course: "... a precipitous departure which results in a failed state in Iraq," he said, "will have a significant boost in the numbers of extremists, jihadists ... in the world, who will believe that they will have toppled the major power on Earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas."

Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safehavens and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of

the Iranian president, who said: "The political power of the occupiers is collapsing rapidly . . . Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap." If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian dominated Middle East that is rolled by wider regional war and riddled with terrorist safehavens.

The supporters of this amendment respond that they do not by any means intend to cede the battlefield to al Qaeda; on the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out "operations against al Qaeda and affiliated international terrorist organizations." But such a provision draws a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target "terrorists," but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi Army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an IED in the road? Must he check for an al Qaeda identity card before responding?

The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try and make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al Qaeda's strategy—which is to incite sectarian violence. Our military commanders say that trying to artificially separate counterterrorism from counterinsurgency will not succeed, and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the past 4 years. We should not, and must not, return to such a disastrous course.

The strategy that General Petraeus has put into place—a traditional counterinsurgency strategy that emphasizes protecting the population, which gets our troops out of the bases and into the areas they are trying to protect, and which supplies sufficient force levels to carry out the mission—that strategy is the correct one. It has become clear by now that we cannot set a date for withdrawal without setting a date for surrender.

Mr. President, this fight is about Iraq but not about Iraq alone. It is greater than that and more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all of the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

Consider just one final statement from the August National Intelligence Estimate. It reads:

"We assess that changing the mission of the Coalition forces from a primarily counterinsurgency and stabilization role to a primary combat support role for Iraqi forces and counterterrorist operations to prevent AQI from establishing a safehaven would erode any security gains achieved thus far."

Should we pass this amendment, we would erode the security gains that our brave men and women have fought so hard to achieve and embark on the road of surrender. For the sake of American interests, our national values, the future of Iraq and the stability of the Middle East, we must not send our country down this disastrous course. All of us want our troops to come home, and to come

home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic. I urge my colleagues to vote no on the Feingold amendment.

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

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

Mr. FEINGOLD. I ask unanimous consent that the remaining time I have be reserved for further debate.

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

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

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

Mr. GRAHAM. Mr. President, I would like 5 minutes, if that is possible, to speak against the Feingold-Reid amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. To my dear friend from Wisconsin, RUSS FEINGOLD, I appreciate his passion. I know he is acting on his beliefs. We need more of that. I disagree with him fairly dramatically about the consequences of his proposal. As I understand it, it would stop funding in many areas of military operations that are ongoing in Iraq now and, by using funding, restrict the mission in a way that would be ill-advised for our own national security interests.

The biggest winner of a change in mission through restricted funding would be Iran. The Iranian regime is actively involved in trying to kill American servicemembers to drive us out. Their biggest fear in Iran is to have a functional democratic representative government in Iraq on their border that would create problems for the way they run their own country. They are not going to stand on the sideline and watch Iraq be transformed into a representative form of government without a fight. They have chosen to be involved in militia groups with the goal of killing Americans. The goal is to create casualties and break the will of the American people so we will leave Iraq.

In terms of al-Qaida, the biggest loser of the surge militarily has been al-Qaida. They have been diminished because of a new way of confronting

this enemy where we get out behind the walls. We live with the Iraqi Army and police forces. We are taking the fight to al-Qaida, and we have been able to marginalize and diminish their presence.

This amendment would embolden an enemy that is literally on the mat. It would send the wrong message to Iran at a time when they need to hear something different than America is going to leave. They need to hear the message that America is going to stand behind the forces in Iraq to create a stable Iraq. The last thing this Congress should do is create a change in mission through funding that will undercut an operation that has produced results on the security front never known before.

Under the rules of engagement, how do you determine who al-Qaida is with any certainty over there?

So the idea of restricting the military mission against the advice of General Petraeus seems to me to be ill-advised. The Congress has a robust role in time of war. But at the end of the day, we have to make a decision: Whose advice are we going to follow in terms of military strategy: General Petraeus and his colleagues or are we going to try to rewrite the mission based on what we think is best on the ground militarily?

I think it would be a huge mistake for this Congress to adopt this amendment because it would be welcome news in Tehran. It would be seen by a very oppressive regime that, America is going to leave Iraq, and they would be the big beneficiary of what would be left behind, which would be a chaotic situation.

Does Iran want chaos in Iraq? To some extent. Does Iran want a representative government in Iraq? Absolutely not. They are going to do everything within their power to make sure that does not happen. It is in our national security interest to make sure it does.

Al-Qaida has been diminished greatly from the surge. If this amendment was adopted, it would be cheered on by al-Qaida operatives—we are back in the fight because we know when America is going to leave. We know when the mission is going to be changed.

So I would argue this amendment comes at the worst possible time for American national security interests, and it is ill-advised in concept and impossible to execute.

I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for engaging in debate in the respectful and substantive way he has done so. We agree on many issues but not on this one.

Let me, in the very brief time I have, respond to a couple things he said. First, just an observation. He asked: How, under my amendment, are we going to determine who al-Qaida is in Iraq?

Well, I guess I ask the question: How are we doing it now? Presumably, we are identifying our enemy and attacking them. We are not just attacking them indiscriminately.

He said: How in the world are we going to determine who al-Qaida is? I certainly hope we have some kind of a way to do that now. I am very puzzled by that argument.

But the broader point of this issue is this: The heart of the argument of the Senator from South Carolina is that somehow having a timetable and withdrawing from this mistake in Iraq is going to help both al-Qaida and Iran. I would say it is just the opposite. The situation in Iraq is ideal for al-Qaida. It is sapping our military strength in Iraq and throughout the world at the same time that al-Qaida, according to our own public National Intelligence Estimate, is reinvigorating itself in Pakistan, in Afghanistan, and around the world. So it is just the opposite.

Continuing this involvement in Iraq that we have right now completely plays into the hands of those who attacked us on 9/11.

Now, the Senator from South Carolina poses the notion that somehow Iran would be pleased to see us leave Iraq. Well, I am sure that is true eventually. But at this point it is actually ideal for Iran. They are expanding their influence, and we are taking the hits. We are taking the hits in terms of casualties, and they do not have to go in and invade or try to control Iraq.

So actually it is the status quo that benefits Iran. It is perfect for them, and they are showing it every day. So it is just the opposite. Two of the most problematic enemies we have—Iran, in the form of a country that is very difficult for us, and al-Qaida, in terms of a terrorist organization—they benefit from our mistake of indefinitely continuing this involvement in Iraq. I believe that is the national security analysis that is most appropriate. That is why I offer this amendment in the spirit of national security, not simply in the spirit of trying to bring our troops out of Iraq.

Mr. President, I reserve the remainder of my time and ask unanimous consent, again, that my time be reserved.

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

The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise to voice my opposition to this measure, not because I do not agree with the goal sought by this Feingold amendment; I agree with it. However, it was the decision of the leadership of the committee that matters that can be appropriately debated in the Iraq supplemental appropriations bill should be debated there.

I believe if we open the door to the Feingold amendment, then I am in no position to suggest we oppose other appropriate measures for the supplemental. Therefore, reluctantly, but forcefully, I must say I hope my col-

leagues will support me in opposing this measure.

I thank you, sir.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I just want to say to the Senator from Hawaii, through the Chair, how much I respect him. I understand why he has to take this approach on this particular attempt to offer this amendment. The fact is, this great Senator, this war hero, has supported us on this amendment in other contexts. He is in agreement with us.

He has a responsibility on this bill that I respect. But what greater statement that we are on the right track in terms of wanting to have a reasonable withdrawal from Iraq than the fact that this great Senator has been supportive. So I thank him. Of course, I hope people will vote with me on this amendment, but I completely understand his reason for taking this approach on this particular bill.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, what time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 21½ minutes remaining.

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

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wisconsin has 2½ minutes remaining.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, many of my colleagues have expressed serious concerns about the war in Iraq. I would say now is the time to put those concerns into action. We have the power and the responsibility to end a war that is hurting our troops, our fiscal situation, and our national security.

By voting for the Feingold-Reid amendment today, we can safely redeploy our troops from Iraq. I understand the bill's managers would rather not address Iraq on their bill. That is their decision. But I note this amendment has the strong support of the Democratic leadership. So I thank Senator REID for his support and leadership.

I urge my colleagues to support the Feingold-Reid amendment.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3164 offered by the Senator from Wisconsin.

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 Illinois (Mr. OBAMA) is necessarily absent.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 68, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—28

Akaka	Feingold	Murray
Biden	Feinstein	Reid
Boxer	Harkin	Rockefeller
Brown	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Whitehouse
Clinton	Lautenberg	Wyden
Dodd	Leahy	
Durbin	Menendez	

NAYS—68

Alexander	DeMint	Martinez
Allard	Dole	McCaskill
Barrasso	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Roberts
Burr	Hatch	Salazar
Carper	Hutchison	Sessions
Casey	Inhofe	Shelby
Chambliss	Inouye	Smith
Coburn	Isakson	Snowe
Cochran	Johnson	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Webb
Crapo	Lugar	

NOT VOTING—4

McCain	Specter
Obama	Warner

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 28, the nays are 68. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

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

The motion to lay on the table was agreed to.

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

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. CARPER. Mr. President, if there is no pending business before the Senate, I wish to be recognized to speak for a few minutes on the State Children's Health Insurance Program, which we call affectionately SCHIP. I was privileged to be chairman of the National Governors Association in the late nineties, when Governors and a lot of other folks negotiated with the Congress and the Clinton administration to create the State Children's Health

Insurance Program. I am pleased—as I know a lot of people are in this country—to see all of the good it has done.

We know that in America today we have roughly 45 million Americans who have no health care coverage. It is like a quilt that fits over a bed, if you will, and the quilt has different patches to it. One of the big patches on the quilt providing health care coverage to a lot of Americans is employer-provided coverage, another is Medicare, and then there is Medicaid for low-income folks. Another piece of the quilt would be the federally funded community health centers; and another piece might be veterans health care, or DOD health care. Altogether, they add up to provide enough to cover 85 percent of the American populace that needs health care coverage. For the folks who are not covered, a large part of the 15 percent who have no coverage is people who live with families where somebody works every day, every week. The problem for those families is they don't have employer-provided health care coverage or enough disposable income to pay their share of that employer-provided coverage, and they end up doing without.

Most of those people still get health care eventually. That health care coverage comes too frequently in an emergency room of a hospital in their community. When somebody gets sick enough, that is where they go to get care.

My colleague in the chair and I are both familiar with the tragedy this year where a young boy in Maryland, I think, had a problem with a tooth that abscessed, and he ended up going into the hospital through the emergency room and being hospitalized for an extended period of time. The cost of the health care he received was in the hundreds of thousands of dollars. The greater cost is that he died; he lost his life. Another tragedy was in the case of a young man who was eligible for SCHIP and his family didn't know it. It is almost like the old question: If a tree falls in the forest and there is nobody there to hear it, is there a noise? If you have a benefit such as SCHIP or Medicaid and a family doesn't know they are eligible, is there a benefit? I am tempted to say there probably is not.

A lot of people in this country who ought to be eligible for this program, who could be eligible for the program, would be if the President had not vetoed the legislation we passed. I listened to Senator GRASSLEY talk about the President's veto. I admire him a great deal and the way he stood up, stood tall on this issue, along with Senator BAUCUS and others, to craft the expansion of this program. That speaks volumes about Senator GRASSLEY and his care for young people.

Among the criticism we hear of this expansion of this program is that it is more of a government fix for our health care woes in America. The coverage that most kids have under the

SCHIP program is not provided by the Government. They actually go to a private program and it is provided through any one of a variety of programs. We also hear that this is more Government spending. This is actually Government spending where we pay for it. We have an offset here, and not everybody likes it, but it is an increase in the tax on tobacco, cigarettes, where we raise enough money to offset the cost of this program over the next 5 years.

Here is a chart. For the Children's Health Insurance Program, the cost over the next 5 years is about \$35 billion. We raise the money to pay for it, and we are required to under the rules, which is a good thing. Our pay-go procedures require that. We have to come up with an offset to pay for that so it is deficit neutral. So this \$35 billion is paid for. It doesn't make the deficit bigger and it provides health care coverage for about 4 million more kids. They will have a chance to have a primary health care home. They will not have to look for health care coverage in an emergency room of a hospital. They will not end up spending days or weeks or longer in a hospital as an inpatient trying to get better from something that could have been caught early on by a primary care physician.

A good comparison here is the SCHIP program expansion is paid for—the \$35 billion is fully paid for. There will be no increase in the deficit. Compare that to what the President is asking for an increase in spending with respect to the war in Iraq. The President is going to ask for additional money in the weeks ahead; he will ask us to appropriate \$197 billion to pay for our involvement in Iraq and Afghanistan for roughly the next year. It is not paid for. It is not offset by cuts in spending someplace else. It is not offset by increases in revenue somewhere else. That will be \$197 billion in extra debt.

Some people think we can run up these deficits and we will print the paper to pay for them. We don't. We borrow money from folks all over this country—from investors, and from investors all over the world.

Some of those investors crop up in unlikely places. Our debt now to China is in the hundreds of billions of dollars and growing. We owe a fair amount of money to folks in South Korea. A lot of debt is held by the Japanese. You kind of wonder sometimes when you consider our inability to push back hard on the Chinese for currency manipulation and other issues such as the quality of the products, their lack of respect for patent rights and intellectual property rights, it is hard for us to push back when these people are holding hundreds of billions of dollars of our paper, money we owe them, because they have helped to fund programs for which we have not had the moral courage or fiscal discipline to raise the money to pay for ourselves.

We have a choice. The President is faced with a choice. He is asked on the

one hand to increase the debt by almost \$200 billion to support the wars in Iraq and Afghanistan but not to pay for it, to basically put that burden on our kids and say, someday you will have the opportunity to pay this debt, and to compare that with the SCHIP program which is not cheap, but over the next 5 years, \$35 billion, \$7 billion a year to provide health care coverage for 4 million children who otherwise would not have it. But the difference is, it is paid for. We actually raise the money to pay for this program.

I said to a group of people yesterday, among the words that are most used around here, "reform" is one of them. We hear a lot about reform in almost everything about which we talk. Another thing we talk about around here is bipartisan—bipartisan this or bipartisan that. This is a place where sometimes bipartisan, a lot of times—the underlying appropriations bill on the floor today is actually a bipartisan bill, but we don't always see that.

SCHIP, the expansion of the Children's Health Insurance Program, is about as bipartisan an effort as we can mount around here, especially when the administration has been fighting us tooth and nail. Again, to our Republican colleagues who stood up and joined a number of our Democrats, including Senator BAUCUS, chairman of the Finance Committee, I say: Good for you. Not just good for you because it is an example, a tangible example of bipartisan cooperation, but good for you because you put the concerns of our children ahead of those other issues and you are willing to pay for something we want to have.

Mr. President, in Delaware, we believe that programs worth having, for Government to pay for them, whether it is transportation, education, health care, programs worth having we ought to pay for. If we are not willing to pay for them, we shouldn't have as much of them as we otherwise would have. We have taken this principle and embodied this proposal under SCHIP.

I am proud of the stand we have taken and the House has taken. I am very disappointed in the decision the President has reached.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, we have all seen recent news reports about security contractors in Iraq, specifically stories about Blackwater, a private company, which is under contract with the Department of Defense and the Department of State, perhaps other agencies, to provide security guards for American personnel and others who are in combat zones. There have been a lot of questions raised about questionable conduct and lack of oversight and a lot of questions about accountability. We need answers.

Last week, Secretary Gates of the Department of Defense, a man whom I respect, testified before the Appropriations Committee about the needs of the Department of Defense. I asked him a

series of basic questions about these security contractors: How many contractor personnel are on the ground? Who is there? How long have they been there? What oversight is in place? Who is in charge? I wanted to know who has oversight of these contractors and how the people are authorized to use deadly force, how they are held accountable for their actions. The Secretary's response was he didn't know.

The amendment I filed and hope to offer sets aside funding for the inspector general of the Department of Defense to find some answers. The amendment asks for a report that documents how much we are spending on private security contractors and how many people work for them.

The report also details the Department of Defense oversight role and the scope of authority of military commanders over private security contractors.

Finally, we need to know the basics. What laws govern the conduct of these contractors? What rules of engagement govern their activities? How is it possible we are in the fifth year of this war and still don't have these questions answered? Six years into the war in Afghanistan, and we still don't know for certain what the standards are.

The incident a few weeks ago in which Blackwater employees were involved in the deaths of eight Iraqi civilians raised a lot of questions. In response, let me recount what we have learned.

Since 2005, according to Government investigations, Blackwater has been involved in at least 195 "escalation of force" incidents; that is, situations in which Blackwater employees fired shots. That is an average of 1.4 shooting incidents per week.

In over 80 percent of these incidents since 2005, Blackwater's own reports document either casualties or property damage.

We have learned in one case the Iraqi casualty was shot in the head. In another, a Blackwater employee tried to cover up a shooting that killed an innocent bystander.

Perhaps the most disturbing incident that has come to light is the point-blank shooting of a security guard by a Blackwater employee in an off-duty confrontation. The Blackwater employee is reported to have been intoxicated and was fumbling with his weapon after the shooting.

Here is how the New York Times described the company's response:

The acting ambassador at the United States Embassy in Baghdad suggested that Blackwater apologize for the shooting and pay the dead Iraqi man's family \$250,000, lest the Iraqi government bar Blackwater from working there, the report said. Blackwater eventually paid the family \$15,000, according to the report, after an embassy diplomatic security official complained that the "crazy sums" proposed by the ambassador could encourage Iraqis to try to "get killed by our guys to financially guarantee their family's future."

So who has oversight of these security contractors? Whom do they answer

to in Iraq and Afghanistan? What is their relationship to the military?

The old Coalition Provisional Authority under Mr. Bremer, who received a Gold Medal from President Bush, exempted security contractors from Iraqi law, and whether they are liable under U.S. law is murky at best.

If Blackwater employees are accountable under U.S. law, why hasn't there been one investigation or prosecution? Not a single Blackwater employee has been prosecuted. In fact, in the case of the drunken employee who killed the bodyguard of the Vice President, he was quickly spirited out of the country, apparently with our Government's blessing, to protect him from the Iraqis.

Stories such as these do not make the United States look good in the eyes of the Iraqis, in the eyes of the world, and, frankly, in the eyes of most fair-minded American citizens. The number of shootings, the amount of Iraqis killed and wounded, the amount of property damage done—all of it suggests there needs to be a legitimate investigation.

I am not going to castigate every private security contractor in Iraq and Afghanistan. I have met some of them. Many of them are brave, dedicated, professional individuals who risk their lives to protect those whom they are charged to protect. Many are honest and dedicated. But the purpose of the amendment is to demand accountability. Private security contractors have to play by the rules—somebody's rules. If they don't, we as a government have to act.

These private security contractors are part of America's face in Iraq. This is a struggle to win the hearts and minds of those people and to create a peaceful society. Every time there is a reckless or illegitimate shooting of an Iraqi civilian, we take one step back from achieving that important goal.

I yield the floor.

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

AMENDMENT NO. 3166

Mr. REID. Mr. President, I ask that the pending amendment be set aside so that I may offer an amendment on behalf of Senator BOXER.

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

Mr. REID. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 3166.

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

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

The amendment is as follows:

(Purpose: To make available from Operation and Maintenance, Defense-Wide, \$5,000,000 for the program of the National Military Family Association known as Operation Purple)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as "Operation Purple".

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENTS NOS. 3144 AND 3145 EN BLOC

Mr. KYL. Mr. President, I ask unanimous consent to send two amendments to the desk and lay aside the pending business.

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

Mr. KYL. The first amendment is No. 3144 and the second one is No. 3145.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes amendments numbered 3144 and 3145 en bloc.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3144

(Purpose: To make available from within amounts already appropriated in the Bill for Research, Development, Test, and Evaluation, Defense-Wide \$10,000,000 for the Space Test Bed)

At the end of title VIII, add the following: SEC. 8107. Of the amounts appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$10,000,000 may be available for Program Element 0603895C for the Space Test Bed.

AMENDMENT NO. 3145

(Purpose: To make available from Procurement, Defense-Wide, \$7,000,000 for the Insider Threat program)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to \$7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

Mr. KYL. These will be pending separately, not together.

The ACTING PRESIDENT pro tempore. Without objection, they will be considered separately.

Mr. KYL. Mr. President, I will be happy to speak. I believe the Senator from Delaware was going to speak. If he wants to speak now, I will be happy to defer to him.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

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

The ACTING PRESIDENT pro tempore. The Kyl amendment No. 3145.

Mr. BIDEN. May I make an inquiry to the Senator from Arizona, is his amendment going to require a vote?

Mr. KYL. Mr. President, I hope both of these amendments can be worked out, but we haven't been able to work the first one out yet. I will not take very long, but I understood the Senator from Delaware was here and prepared to talk about his amendment. I am happy to defer to him and discuss mine later.

Mr. BIDEN. I thank the Senator very much. I would like to take advantage of that offer. President Talabani is in the Foreign Relations Committee at the moment. It would accommodate nicely my schedule.

AMENDMENT NO. 3142

Mr. President, I ask unanimous consent that the Biden amendment on MRAPs be called back up. It was the pending business until it was laid aside.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The amendment now pending is the Biden amendment No. 3142.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I say to my good friends, Senator INOUE and Senator STEVENS, there are no two more seasoned or devoted Senators to protecting the military and our fighting men and women. I know my amendment with regard to so-called MRAPs, mine-resistant vehicles, is an inconvenience, and I am not being facetious when I say that. I know that my friend—and I don't have a closer friend in the Senate than Senator INOUE—supports the essence of what I am proposing, but there has been an attempt, understandably, to have all amendments that could be related in any way to Iraq placed on the supplemental. This amendment will be placed on the supplemental. But the truth is, we are not likely to get to the supplemental until January.

I know one of the Democratic leaders, Senator DURBIN, is in the Chamber. He may know better than I if that is accurate, but that is my understanding. In this place, you have to have, as they say, a horse to ride. You have to have a vehicle to be able to attach something important that you support so that it will get some consideration.

The amendment I am proposing today is one that calls for a significant increase in the production of mine-resistant vehicles. I know I sound like a broken record to many of my colleagues since I started raising it last spring. This amendment is very simple, and it is costly. It provides the \$23.6 billion needed to replace every Army up-armored HMMWV vehicle in Iraq with a Mine Resistant Ambush Protected vehicle, so-called MRAPs.

It is exactly the same thing we did on the authorization bill that passed Mon-

day night. Our commanders in the field told us as recently as 2 weeks ago—I met with some of those commanders, Marine commanders in Ramadi, and took a ride in a new mine-resistant vehicle. I also sat in an up-armored HMMWVs—so the Marines, from the two-star general to the sergeant who drove various vehicles, could make a point to me about how different they are.

They showed me a photograph of a roadside bomb having struck one of the new vehicles—that is a Cougar, which is one size of the up-armored mine-resistant vehicles and it showed where on, I believe, August 28, in that same city, a roadside bomb had exploded, 250 pounds of explosives. And it literally blew this vehicle, which is many times the weight of the largest SUV any American drives in this country—I don't know the exact weight, but it is close to 38,000 pounds fully loaded—it blew it so high up in the air that it literally brought down the telephone wires. The wheels got caught in the telephone wires. A standard telephone pole, I don't know, are they 20, 25 feet, maybe more, maybe less? It blew the vehicle so high into the air it literally brought down the telephone wires. And when it hit, the vehicle, probably in an area the circumference of this Chamber, the pieces were spread all around the landscape. The engine would have been over by the Republican cloakroom, the drivetrain would have been over by the exit door on the Democratic side back toward the marble room, the axle would be sitting up by the Democratic cloakroom, and right in the middle of the Senate floor would be the cabin of the vehicle.

There were seven soldiers in that vehicle. Had that been an up-armored HMMWV, everyone would be dead. Not one of those soldiers died. Not one. They suffered severe concussions, four of them, but that was the worst of their injuries. And one of those young sergeants, as the brass went through showing me this and I got into vehicles and we drove and so on and so forth—we are now inside Ramadi—as I am getting out and leaving, one of those young soldiers was exuberant. First, he saluted me and said: Sir, as Senator REED, a West Point graduate, is accustomed to having been done to him in the old days and even now—and then he became emotional in his thanks for that vehicle, thanking us for insisting on building them. It is truly a life-saving vehicle.

Now, our commanders in the field tell us these Mine Resistant Ambush Protective vehicles are going to reduce casualties by 67 to 80 percent. That is the range, 67 to 80 percent. Put it another way, had they been riding around in these vehicles since we knew they were needed, we would have over a thousand fewer dead and over 10,000 fewer seriously wounded, literally, because over 70 percent of all the deaths and casualties are caused by IEDs, or roadside bombs. When I found out

about how good these vehicles are last year in Iraq and then again in testimony the beginning of this calendar year, and then when a whistleblower came to me telling me commanders in the field had asked for these in February of 2005, I was dumbfounded as to why we weren't building them. With the great help of everyone on this floor, I think the vote was 97 to 0, we accelerated production by adding \$1.5 billion to last year's wartime funding bill.

The lead commander on the ground in Iraq is Lieutenant General Odierno, and he told us 6 months ago that he wanted to replace the Army's approximately 18,000 up-armored HMMWVs with these new Mine Resistant vehicles. Instead of adjusting the requirement immediately, the Pentagon has taken time to study the issue. They originally agreed the Army should get 380—380—of these vehicles. That was in December of 2006. Then, in March of this year, after the Commandant of the Marine Corps said it was his highest moral priority to get his folks in 3,700 of these vehicles, they agreed to increase the number to 2,500 for the Army. In August, they added a few more and agreed to 2,726 for the Army. This month, they agreed that the general needs a little over half of what he asked for—10,000 of these vehicles.

Slowly we are getting there. But we have seen this movie before, Mr. President, with the body armor, with the up-armored HMMWVs. Until the Congress insisted that the better protection be fielded for all of those troops in Iraq, it was not. The catalyst came from here. We insisted. Remember just several years ago how many kids we were sending into battle without the proper body armor and how many National Guard units we were sending over who were not adequately equipped and how initially the military was threatening to discipline young women and men who were taking sheets of metal to put on the vehicles they drove on convoys ferrying equipment from the gulf all the way up into Baghdad? They were putting these sheets of steel on the sides of their doors and the bottom. They were threatened with being disciplined.

We have very short memories here. Very short memories. But in the meantime, a lot of people die. Some would have died inevitably, but a lot—a lot—would not have. So today we are insisting the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

Now, to be honest, I can't understand why it is taking so long to agree to replace all these vehicles. It makes no sense. We know how effective these vehicles are. We surely can't be making an economic argument. Surely there is no one here who is going to say we can't afford to protect these troops with the technology we know—we know—we know—will protect these troops. Surely no one is going to make that argument.

Last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested in Aberdeen with 300 pounds of explosives below them—300 pounds—and they survive. Are we only supposed to care about the tactical judgement of the commanders in the field when it is cheap? I don't think that is what the American people think we are doing for our military. Our military men and women have a right to expect a lot more from us.

I know some say it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not? Imagine President Roosevelt, in the middle of World War II—and this war has lasted longer than World War II—having said: You know, we need to get X number more fighter aircraft over in theater. We need to have more landing craft for D-Day. But you know what. The present system just won't be able to build them all. We just can't do it. Can you imagine that being said? Can you fathom that being said?

I don't get it. I don't get it. Are we saying that we cannot mobilize, through the President of the United States and the weight of the United States Congress, the construction of vehicles that we know will save lives; that we know will reduce critical injuries? You are as dead in Baghdad as you were on Normandy Beach. You are as dead in Baghdad as you were on Normandy Beach. And the pain of the family of that fallen angel is not one bit different than the heroism we celebrate today in the Ken Burns documentary series on the Greatest Generation from World War II. There is no difference. There is no distinction. The pain is as searing. So I ask you all a question: Can you imagine during that war the Congress and the President saying: I don't think we can get this done?

Mr. President, this is basically a modified truck. With real leadership and a national level commitment, America can certainly make this happen. I believe that the can-do spirit and deep patriotism of our business men and women is as profound as it was back in the year 1942 or 1945. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the frontline. But we have to do our part.

In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed up front. Contractors and subcontractors can only expand their capacity if we are clear on what we need and what we are prepared to fund. This amendment allows us to do that. It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down. Said another way, we are finally getting these production lines up and running. There are five companies, some relatively small, that, based on contracts, have gone out and hired 200, 500, 1,000

more people. They have expanded their facilities to build these vehicles alone. But they can only expand to the degree to which they know they have a contract.

We funded these MRAPs in the last supplemental and the Continuing Resolution to the point that we are not going to be able to build any more of them by the time March comes along if we do not have money in this bill. We are not going to be able to build any more. If we wait until the supplemental to let these contracts, we will have a hiatus of 2 to 4 to 6 months where they shut down these lines. These are not mom-and-pop operations, but they are also not General Motors, Chrysler, Ford, Toyota, or any other major automobile manufacturer. So this is about how many more months in delay getting these vehicles are we going to cause by not putting all of the funding in this appropriations bill. My amendment provides all of the funding needed. That is what my amendment will do.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill will not cause production to shut down. Once we provide the full funding, American business must step up and get the job done, the Pentagon must manage the program aggressively and attentively, and the President is going to have to make it clear this is a national priority. But we have no chance of making all these needed vehicles as quickly as possible if we fund that program bit by bit, in fits and starts.

Once again, I ask my colleagues to weigh their options. Do we do our best to save American lives, knowing the only downside is the possible need to reprogram funding at the end of the year; or do we care more about the unknown total wartime funding limit than we care about these lives? I know every one of my colleagues would do anything in their power to increase the possibility that we reduce casualties. Well, here is the way to do it.

It seems to me that certain things are a matter of sacred honor and exceed anything having to do with budgets. We can argue the national interest is better protected and our physical security is better protected by building X, Y, or Z weapon system, and we can argue whether our failing to build it is going to affect the lives of the American people. That is a very fundamentally different issue than knowing you have something, that if you physically place an American soldier in that vehicle, you will increase by 60 to 80 percent the chance of that man or woman living, and yet not doing it. That is a different deal. This is not your ordinary appropriations program. It is a little bit like the ultimate body armor.

Would anybody here, if we knew that by spending X dollars more we could increase the life expectancy of every soldier by providing the right body armor in the theater, would we not do it, no matter what it cost? Well, this is

a form of body armor, a form of body armor that we know, if it is possessed, is going to reduce the cause of over 70 percent of the casualties in theater. If these vehicles can reduce American casualties by two-thirds or more, I don't know how we can do anything else.

I agree with the Commandant of the Marine Corps, GEN James Conway, when he said: "Anything less is immoral." Let me say it again: "Anything less is immoral."

So I urge my colleagues to support this amendment, and I ask for the yeas and nays on this vote when the appropriate time comes. I ask for them now, so that we know when the amendment is called up we get a vote.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be.

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

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, there is no question that these vehicles, the MRAPs, save lives. The committee is well aware of that, and we concur with that. That is why, Mr. President, to date, Congress has provided nearly \$11 billion for the rapid production and fielding of 8,000 MRAP vehicles.

As a result, there are now 435 MRAPs fielded in the theater, and by Memorial Day 2008 we will have fielded 8,000 MRAPs.

Believe me, we are doing everything possible to ensure the Department has sufficient funds to continue this production of MRAPs. On Monday, this week, in the short-term continuing resolution, we provided another additional \$5.2 billion exclusively for MRAPs. Providing a specific appropriation in a continuing resolution is extremely unusual and demonstrates the commitment of the Congress, and in particular the Appropriations Committee, to ensure that all the funding that is necessary for MRAPs will be provided to the Department of Defense.

The vehicles manufactured with these funds will be produced in March and April of 2008 and fielded in the theater by Memorial Day 2008.

We are aware there is a remaining fiscal year 2008 requirement for \$11.5 billion for MRAPs, even though the administration has not yet requested any funding. The additional \$11.5 billion would fully fund the new increased program requirement of 15,274 vehicles, including 10,000 MRAPs for the Army.

The Department of Defense is seeking this \$11.5 billion by November 15 in order to avoid a break in production. This is very important. We anticipate addressing this in the upcoming supplemental. But if it is not completed by November 15, it will be in the next continuing resolution.

The vehicles produced and procured with these funds would be produced by May through September 2008, approximately at a rate of 1,200 vehicles a month. This additional \$11.5 billion for

MRAP fully funds the program requirement in fiscal year 2008 and saturates the industrial base through the end of 2008—September 2008. Any funding provided in addition to the requirement of \$11.5 billion, would be for vehicles that would not be produced—and I repeat—would not be produced until fiscal year 2009, and many vehicles would not be fielded in the theater until that spring, summer, and fall of 2009.

I believe many of us believe our troop presence in Iraq will be significantly reduced by then.

Mr. BIDEN. Mr. President, will the Senator yield? I may be able to step away from this if—I think I heard my friend correctly. Did I hear him say that if in fact it is not clear that we are going to be able to prevent this gap in the shutdown of the line, that by November the Senator is saying the committee would have a continuing resolution that included the specific money?

Mr. INOUE. That is \$11.5 billion.

Mr. BIDEN. Then, if I understand this correctly, I think my friend and the Senator from Alaska are doing exactly what I asked for. My only worry is that, A, we make a commitment to the total of 23,000 in the supplemental, a commitment that would get us to 23,000; and, B, we do not have to wait until January. Because if that is the case, these small operations will have needed a 3- to 6-month lead time, once they get a contract, to keep the line going. But what I hear my friend saying is that we would, in November, if it didn't look like the supplemental was going to happen, we in November would fill that gap so there would not be a shutdown in these lines. Is that what my friend is saying?

Mr. INOUE. I will give you my word, sir.

Mr. BIDEN. That is good enough for me. I am happy to withdraw the amendment. I have never known the Senator from Hawaii or the Senator from Alaska, when they gave their word, to do anything—do anything but that. The supplemental we are going to revisit in January, that has the additional money to get us to 23,000. What my friend is saying here is that \$11.48 billion would be in any continuing resolution if we did not get to that?

Mr. INOUE. That is \$11.5 billion.

Mr. BIDEN. It is \$11.5 billion.

AMENDMENT NO. 3142 WITHDRAWN

Mr. President, I would obviously prefer that it be put here. But I tell you, if there has ever been appropriate use of the expression someone's word is "as good as gold," it is about my friend from Hawaii. I am happy to withdraw the amendment.

Mr. INOUE. You are very kind, sir. Thank you very much.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 3129

Mr. DURBIN. Mr. President, I have been notified by both sides that my Amendment No. 3129, the Troops to

Nurse Teachers Program to enhance the nurse recruitment goals for the military and civilian side, has been accepted, and unless there is some objection, I ask this amendment now be called up and by voice vote accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. STEVENS. Mr. President, reserving the right to object, I thought we were going to have a package of these amendments.

I will not object, but I do think it should have been in a package. I hope we get a package here so we do not do them one by one. I do not object.

The PRESIDING OFFICER. There is no objection. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 3129.

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

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

The amendment is as follows:

(Purpose: To make available from Military Personnel \$3,000,000 for a pilot program on troops to nurse teachers)

At the end of title VIII, add the following:

SEC. 8107. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, ARMY", up to \$1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, NAVY", up to \$1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading "MILITARY PERSONNEL, AIR FORCE", up to \$1,000,000 may be available for a pilot program on troops to nurse teachers.

Mr. DURBIN. Mr. President, we are engaged in one of the longest conflicts in American history, and the need for qualified nurses in military medical facilities is increasing.

Unfortunately, the military faces the same difficulty recruiting and retaining nurses that civilian medical facilities are facing.

Neither the Army nor the Air Force has met nurse recruitment goals since the 1990s. In 2004, the Navy Nurse Corps fell 32 percent below its recruitment target, while the Air Force missed its nurse recruitment target by 30 percent.

The Army, Navy and Air Force each have a 10 percent shortage of nurses, with shortages reaching nearly 40 percent in some critical specialties.

Civilian hospitals face similar challenges. According to the American College of Healthcare Executives, 72 percent of hospitals experienced a nursing shortage in 2004.

In 2000, the U.S. Department of Health and Human Service, HHS, found

that this country was 110,000 nurses short of the number necessary to adequately provide quality health care for both the civilian and military sector. By 2005, the shortage had doubled to 219,000. By 2020, we will be more than 1 million nurses short of what we need for quality health care—a grave problem for military health care as well as the nation at large.

One of the major factors contributing to the nursing shortage is the shortage of teachers at schools of nursing. According to the American Association of Colleges of Nursing, last year nursing schools across the nation denied admission to over 40,000 qualified applicants primarily because there were not enough faculty members to teach the students. Just in Illinois, 2,000 qualified student applicants were turned away from schools of nursing because there were not enough teachers.

The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year.

Mr. President, 71 percent of the schools reported vacancies on their faculty. An additional 15 percent said they were fully staffed, but still needed more faculty to handle the number of students who want to be trained.

The military recruits nurses from the same source as doctors and hospitals: civilian nursing schools. Unless we address the lack of faculty, the shortage of nurses will only worsen.

My amendment to the Defense appropriations bill provides \$3 million to begin a Troops to Nurse Teachers program that will help develop nurse faculty to address this national shortage.

My proposal is based on a successful Department of Defense program called "Troops to Teachers," which helps address the shortages of math, science and special education teachers in high-poverty schools, and helps military personnel transition to second careers in teaching.

Today, Troops to Teachers is operating in 30 States and has supplied more than 8,000 new educators since the program's inception in 1995.

The Troops to Nurse Teachers program seeks to address the nursing shortage in the different branches of the military while tapping into the existing knowledge and expertise of military nurses.

The goals of the Troops to Nurse Teachers program are twofold. First, the program will increase the number of nurse faculty members so nursing schools can expand enrollment and ease the ongoing shortage, both in the civilian and military sectors. Second, the Troops to Nurse Teachers program will help military personnel make successful transitions to second careers in teaching, similar to Troops to Teachers.

The program offers incentives to nurses transitioning from the military to become full-time nurse faculty members, while providing the military a new recruitment tool and advertising agent.

For service members who already hold a master's or Ph.D. in nursing or a related field, the military will provide career placement assistance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition.

Officers who have been involved in nursing during their military service are eligible for scholarships to become nurse educators. In exchange, recipients of scholarships agree to teach at a school of nursing for 3 years.

Active military nurses can complete a 2-year tour of duty at a civilian using school to train the next generation of nurses. In exchange, the nurse officer can agree to serve longer in the military or the College of Nursing can offer scholarships to nursing students who commit to enlisting in the military.

Retired nurse officers can accept appointments as full-time faculty at accredited school of nursing, without giving up their full retired pay.

This amendment is supported by 20 nursing organizations, including: American Association of Colleges of Nursing, American Organization of Nurse Executives, American Nurses Association, National League for Nursing, American College of Nurse Practitioners, and the American Association of Nurse Anesthetists.

The Office of the Secretary of Defense, both Personnel and Recruitment and Health Affairs, support the program, as do the Nurse Corps of the Departments of the Army, Navy, and Air Force.

With the aging of the baby boom generation and the long-term needs of our growing number of wounded veterans, the military and civilian health care systems will need qualified nurses more than ever.

The Troops to Nurse Teacher program will help to alleviate the shortage of nurse faculty and ultimately help make more nurses available for both civilian and military medical facilities.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3129) was agreed to.

Mr. DURBIN. Mr. President, I thank the Senator from Alaska and Hawaii for their cooperation.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I talked with the managers. I ask unanimous consent to speak for 3 minutes as in morning business and then at the conclusion of my remarks that my colleague, Senator WHITEHOUSE, be recognized immediately after me so we can pay tribute to a State legislator and friend who passed away in Rhode Island.

Mr. STEVENS. Reserving the right to object, and I do not object, will the Senators tell us some timeframe?

Mr. REED. I anticipate it will not be more than 5 minutes for myself and Mr. WHITEHOUSE. That will be more than enough.

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

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

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3144

Mr. DORGAN. Mr. President, I take the floor to speak in opposition to an amendment that is now pending, amendment No. 3144, offered by my colleagues, Senator KYL, Senator SESSIONS, and Senator THUNE.

This amendment will add \$10 million to be available for a program called the Space Test Bed. The space test bed is not a particularly great description of what it does, but that is the description of the program. I want to describe why I believe it would be a huge mistake for us to approve the amendment.

First, let me say it deals with missile defense. There is about \$8½ billion in the bill, the underlying bill, for missile defense programs, \$8½ billion.

We are, even now, buying and deploying national missile defense interceptors that have never been tested against realistic targets, such as targets with decoys and multiple warheads. We will, I think, continue to see, as we have seen before, dramatic cost overruns and test failures.

I recognize the newspaper today, the New York Times, I believe, has a story that says: Missile defense system is up and running.

That is because they apparently had a successful test last week. It hit a target. But it is not the kind of target that would be expected in a real missile attack, were we to have a missile attack. And despite the fact that we are rushing headlong to deploy this missile defense system to essentially create a catcher's mitt for intercontinental ballistic warheads, you find a catcher's mitt, except it is not as simple as a catcher's mitt. This is about hitting a bullet with a bullet.

Now, we have spent a massive amount of money on this, over \$100 billion so far. Contrast that with the needs that go unmet here at home.

But to go to the amendment that has been offered, on the space test bed. It is a program to investigate the utility and the feasibility of space-based missile defense systems to complement the ground-based ballistic missile defense system.

In other words, the program would begin to weaponize space. The idea is you can destroy a missile from a system orbiting in space. This program is designed to develop a space-based kill vehicle and to develop command, control, and battle management, communications structures for space-based missile defense.

I am not talking about ground interceptors, I am talking about space-based

missile defense, and about eventually launching a number of interceptors from space to test them against the ballistics missiles.

Let me describe what has happened to this proposal. Both the authorizing committee in the House and the Senate have rejected it. Neither Appropriations Committee has accepted this proposal to spend \$10 million. In fact, both Appropriations Committees, as I understand it, have explicitly rejected spending this \$10 million.

There is no authorization for this program. Does anybody here recall having a debate about an authorization to proceed with a space-based missile program? It has not been authorized.

The disappointing thing about this debate—and we have had this before in the Senate—is this: If you take a threat meter, and look at what are the greatest threats to our country—and, yes, there is such a thing as a threat meter. Our intelligence folks have it. They have it over in the Department of Defense. If you evaluate what are the greatest threats to our country—well, let's think of some threats. An intercontinental ballistic missile with a nuclear warhead. Is that a threat? Yes, sure could be. They exist. Russia has a lot, China has some, a few countries have them.

But we are told the most likely threat to this country comes from rogue nations and terrorist groups. Does anybody think they are going to launch an attack against this country with an intercontinental ballistic missile? Not likely at all.

Yes, the threat meter would show that the lowest possible threat to our country at this point is an intercontinental ballistic missile aimed at our country. A much greater threat than the threat of an intercontinental ballistic missile at 14,000 miles an hour aimed at an American city, a much greater potential threat that almost everyone will admit is a greater threat, is a ship pulling up to the dock of a major American port at 3 miles an hour—not 14,000 miles an hour, 3 miles an hour—with a container on it that might include a nuclear weapon or weapons of mass destruction sent here by a terrorist set to detonate in a major American city.

Contrast, if you will, what we spend to defend against that proposition, that much greater threat, as opposed to the billions and billions, well over \$100 billion we have now spent for one of the least likely threats. I am not suggesting missile defense is irrelevant; it is not. We should work on missile defense. But once we put in place a star-spangled, gold-plated ballistic missile defense system, then we will understand that a much greater threat than a ballistic missile is going to be a cruise missile traveling low to the ground at a lower speed, and then we will decide: Well, I guess this catcher mitt we have developed for over \$100 billion cannot defend against that, and yet that is a much greater likely threat to our country.

My only point is this: We are spending a lot of money on missile defense. It is money that well could be used in other areas to protect against much greater threats on the threat meter against this country. But as much as we are spending, it is not enough for some. My colleague comes to the floor and says: We need \$10 million more, because we need to begin this process of weaponizing space, believing, apparently, that space belongs to us exclusively. It does not.

My hope would be that in a world in which we have thousands, yes, thousands of nuclear weapons—the best guess is perhaps 20,000, perhaps 30,000 theater and strategic nuclear weapons, the loss of one of which to a terror organization will be a catastrophe for the world. In a world in which we have thousands of these weapons, it seems to me that part of our responsibility as a country is to provide international leadership, moving to try to, No. 1, prevent the spread of nuclear weapons to others, and, No. 2, to reduce the number of nuclear weapons that exist in this world. Only then will we feel that perhaps at some point we will eliminate the capability of someone to detonate another nuclear weapon. You know it has been many decades since a nuclear weapon has been detonated against humans. We hope it never happens again. We used nuclear weapons in Japan. There were many casualties who were not soldiers. But, it ended the war. There was great debate about that. But we have, as a country, tried in every way possible to make sure that nuclear weapons have not been used again.

So rather than have an amendment saying, let's spend \$10 million to see if we can ramp up some kind of a space-based test module so we can weaponize space, would it not be much nicer if we could actually bring to the floor of the Senate and debate once again the issue of this Senate ratifying the comprehensive test ban treaty. Do you realize that has never been ratified by this country? One of our leadership responsibilities, I think, ought to be to ratify that treaty. We tried some years ago. Guess what. It lost because of people who apparently did not think we have the responsibility to lead the world away from the use of nuclear weapons, away from the testing of nuclear weapons, to lead in a way that prevents others from achieving nuclear weapons, and to begin to reduce the number of nuclear weapons we have in this country.

This issue, this amendment, is not about all of that. It is about one additional piece of the nuclear weapon puzzle and the defense systems that some want to create.

All of us want defense against those kinds of things that would attack this country or do harm to this country, and that includes defenses against missiles. But, as I said, we have spent over \$100 billion. We now have a system that, while we are told it has been de-

ployed, has not ever been tested against a realistic threat. And it is a defense against the least likely threat against this country.

But to go one step further and decide that what we want to do is create a space test bed to eventually develop a space kill vehicle, and to about \$300 million between now and 2013 on the program, makes no sense to me at all. It has not been authorized. It has been explicitly rejected by the Appropriations Committees for both the House and the Senate. In my judgment, it would be a giant step in the wrong direction, sending a signal to the world that this country is going to embark unilaterally on something that is, in my judgment, very dangerous to our efforts at nonproliferation and stopping the spread of nuclear weapons and finally beginning to end that arms race.

Those are the reasons I strongly oppose the amendment that has been filed, amendment No. 3144. I hope if there is, in fact, a vote on it, the Senate will express itself similarly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Senator was correct in noting that this amendment was not authorized in the authorizing committees. Accordingly, it was not considered or debated in the Appropriations Committee. Unfortunately, we are not here to fully explain what it all entails. However, we have been advised that this proposal may be the first step toward a program that was rejected many years ago, the so-called Star Wars program of the late President Reagan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3144

Mr. KYL. Mr. President, I rise to speak on an amendment I offered a little bit earlier this afternoon, No. 3144. This amendment has been mischaracterized and, unfortunately, is obviously misunderstood. It happens to be in the missile defense part of the budget. I would be happy to have it included in a different part of the budget if it would make it clearer to people that it is not solely a missile defense program. In fact, in my view, the key value of a space-based test bed is not its ability to enhance missile defense but its unique ability to protect our satellites against a very significant threat posed to them at this time.

My colleague from North Dakota talked about a threatometer—hypothetical, perhaps, but a rational way to examine prioritization for defense spending. If there is a relatively low-level threat, we might want to set a lower priority in funding to protect against it than a threat that is of higher possibility. By the same token, if almost everything you do in military activity is dependent on one thing and that one thing is vulnerable, you obviously want to protect that one thing. That is the priority we are not attach-

ing to the defense of our satellites in space, which are critical, vital, of immeasurable importance, not just to everything our military does but a great deal of our economic activity as well. It is the ability to defend our space assets from attacks either on the ground or in space that the space-based test bed is significantly designed to do research work on.

Let us understand, the space-based test bed is merely a research tool to understand concepts that are first developed terrestrially on the ground and, if proof of concept is suggested as potentially valuable, lift it into space to see whether it works there as well, to see whether maybe a defensive system can be devised to protect our satellites in space or to provide protection against intercontinental ballistic missile attack and, if so, to have a program developed and designed and then researched and ultimately perhaps produced and finally deployed, all of which is years down the road.

All we are talking about is a proof of concepts basic research program of only \$10 million in cost. To have it zeroed out because of some belief that we don't need to spend any more on missile defense misses the point.

Let me go back to what I was talking about. I received a briefing 2 days ago, a highly classified briefing that, frankly, scares me to death. But there is enough we can talk about that is unclassified to make the point. As I said, almost everything we do in military fighting these days in one way or another depends upon our satellites. Our troops communicating with each other, the Air Force dropping a bomb on a precise location, doing intelligence surveillance, the GPS system which is installed in virtually everything we do now—all of these things are reliant on satellites. That is not to mention all the communications and financial transactions and all of the other things we depend upon every day, every communication device—almost every. I shouldn't say "every," but most of the communications devices we have, whether they are used in the military or in our private lives, the means of sending signals to do things back and forth, the airplanes that fly through the sky—we could go on and on about our society's dependence today on communication from satellites. We have to protect those satellites.

There are a lot of ways of attacking them. They are all relatively cheap. It is called asymmetrical warfare because a country that may not be able to beat us on the battlefield with tanks and planes and submarines and so on knows all it has to do is literally pick up the sand and throw it in our eyes and then we can't fight, no matter how big and strong we are. That is what they do if they knock out our satellite system.

How do you do that? There are a lot of different ways. The Chinese recently demonstrated to us a brute force way. They simply sent a missile up and blew up a satellite. They did that to one of

their old weather satellites. It left a lot of debris in the sky. There are laser technologies to lase the satellite, which can be done from the ground but more effectively, if you can, from space because there you don't have the air disruptions to divert the laser beam. You have directed energy. You have radio kinds of jamming or electronic jamming. This can be done either from the Earth or in the sky or, frankly, from space. Doesn't it make sense for us to have the capability to stop the destruction of our satellite system on the first day of a war where we rely upon all of that to do what we need to do?

Let me take a hypothetical. I don't mean to disparage any particular nation by engaging in a little bit of hypothetical war-gaming here, but it has been no secret that the Chinese Government would like to see Taiwan reunited, in their view—in any event, brought within the Chinese Government sphere. Both the Chinese military and the American military, as well as the Japanese and Taiwanese and others, have developed weaponry that would be useful in any kind of conflict that might evolve in that situation. But it is very clear that the Chinese have thought about how to keep the United States out of such a war for at least 2 or 3 days, giving them the time they would need to actually take over Taiwan. How do you do that? Well, we won't discuss all the ways it could be done, but the Chinese have developed certain weapons that would be problematic for the United States to deal with, one of which is an ability to attack our electronics and our satellites. Right now, we have very little in the way of defense against that. What the space-based test bed concept would do is begin to give us an understanding of what might be possible for part of that defense.

That is not the end of it. We still would have to protect against something like a jammer from the Earth or perhaps a laser from the Earth. But to the extent that a missile launched from the Earth against one of our satellites would pose a threat, space-based test bed research might be able to find a way to stop that. To the extent that it is a Chinese satellite in space, for example, we might be able to find a way to stop it.

It seems to me to make no sense to say that on a threat which may not be the most likely threat in the case of everyday happening but which would be absolutely devastatingly destructive if it ever happened—and it is not hard to postulate a situation in which it could happen—to say we are not going to spend any money on defending our satellites makes no sense to me.

I have heard that one of the reasons some groups are opposed to this is their fear that somehow or other we are going to weaponize space. Let's deal with that right now. First, an intercontinental ballistic missile against the United States or against

one of our satellites is a weapon in space. We are not weaponizing space if we try to defend against that. That is a ludicrous argument. We wait until somebody else fires an ICBM against us and then we decide we better defend against that, and if we can somehow get something up into the atmosphere, well, that is a weapon in space, but it is probably a pretty good idea to stop their weapon in space. If we send up an interceptor missile, that is a weapon in space.

Suppose the Chinese decide, instead of destroying one of their weather satellites, they are going to destroy some of our satellites that provide the means of communication and the means of directing weapons and the means of identifying the battlefield and of surveilling it, they are going to destroy some of our satellites by sending up a missile that has already destroyed one of theirs, so it is clearly capable of doing so. Let's say we have found that we can, by using this test bed, provide maneuverability of our satellite so it can move out of the way, or we have found that we can actually add to it a defensive kind of laser or a defensive kind of jamming device that prevents the Chinese missile from actually hitting or destroying the satellite. Why wouldn't we want to do that even if it has some kind of a little steel ball in it that—because of the vacuum in space, it doesn't take a lot of force to get something moving at a very high rate of speed. You could eject that steel ball and have it intercept a missile that is coming up toward the satellite in order to destroy the missile before it can destroy our satellite. What is wrong with thinking about solving the problem?

We are not talking about developing anything. We are not talking about deploying anything. In fact, before you even do more research in space, it would have to be confirmed in concept on the ground. Is there such a fear of defending ourselves that we don't even want to think about how to do it in a situation where it would be critical to an attack against us? I don't understand the argument against this.

Let me make a couple other points. The deputy commander of STRATCOM said in testimony before the House Armed Services Committee last year:

Space capabilities have revolutionized the way we fight today.

He went on to describe a variety of ways in which this is true. I have talked about some of them. I have noted that in the civil sphere, satellites enable our ATMs, the financial markets, our truck fleet management. I just met with the CEO of the largest trucking company in the United States, Swift Trucking. He said they have GPS satellite on every one of their trucks. They can tell exactly where every one of their trucks is at any given time, and this enables them to manage their fuel mileage so they are environmentally good. They don't exceed the speed limit. They can get them to the destination by the shortest

route. All of this is done by satellite, as are credit card validations. Our first responders rely significantly on this. The next generation of air traffic control, I mentioned before. I could go on and on.

The general's point is that it is not just in military activity but our civilian life as well. But he makes the point that with regard to the military, loss of our space capabilities would be devastating to our military.

I mentioned China, but countries such as Iran and Libya have also attacked satellites in recent years, as have other countries. I mentioned jamming, direct descent antisatellite weapons, directed energy, laser weapons—all of these have been proven, at least conceptually. Over 20 nations now have ballistic missiles, and under the right circumstances, these can destroy satellites. They can also come through the atmosphere carrying a weapon and blow it up over American soil or they can create an electromagnetic pulse explosion in the atmosphere which would also explode electronics. Since the year 2002, there have been an average of 90 foreign ballistic missile launches per year. Last year, there were 100. This is not a theoretical concept; this is a capability many countries have and have tested.

Obviously, if we are trying to defend against a ballistic missile threat, having some capability in space could be very helpful. We would have to have the debate about weaponizing space at a future time, if a proof of concept through the space-based test bed were ever developed. That is a fight we could have. I would be happy at that point to engage my colleague, who has talked a little bit about that political issue, but it is very premature to talk about that in the context of what we are trying to do here today.

I mentioned the Iranians. They have a Shahab-3 missile with a range of 1,300 kilometers and another one with a range of 1,900 kilometers. According to our intelligence community, they could have long-range capability in just a few more years. This could evolve into any of the kinds of threats I just mentioned a little bit ago.

So what this space bed does is explore the survivability, affordability, the deployability, and the operability of the different types of capabilities that could be based in space. As I said, it begins with the terrestrial proof-of-concept stage that would take several years to complete. It would be years before orbital testing would even be considered, and the Congress will have all of that time to debate whether we want to move forward with any of these things. But at least we would be doing so with knowledge, with facts, with data, and not merely speculation.

Some fear that in one way or another the program might morph into something we do not want it to morph into. We cannot engage in that informed debate today. What this program would do is enable us to engage in that informed debate.

After one more comment, I will ask unanimous consent to have a letter printed in the RECORD dated July 6 of this year by GEN Henry Obering that talks about the need for the space test bed and describes at least what its capabilities would be, at least in the context of missile defense.

The last thing I want to do is I want to go back to the Chinese because they are among the countries that have demonstrated the most interest in taking out our satellites.

A Chinese military analyst recently wrote that space is "the U.S. Military's 'Soft Ribs', A Strategic Weakness" and that "for countries that can never win a war with the U.S. by using the method of tanks and planes, attacking the U.S. space system may be an irresistible and most tempting choice."

We already cut significant parts of our space program. The space tracking and surveillance satellites were cut \$55 million under the SASC bill and \$59 million by the Armed Services Committee bill. There is a classified program that exists that was further cut, and the Defense Department's Space Radar Program was cut significantly. The defense committee cut \$200 million from the TSAT Program, which is a communications satellite for military communications traffic.

But General Obering has said the space test bed "is a proving ground for concepts and integrated technologies. . . . Exploration of alternative implementation architectures is a critical part of the Space Test Bed. . . . Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support."

So that is why we should not zero out this program. A very modest \$10 million investment could help us begin a process of deciding whether concepts are worth pursuing. Given the fact that our satellites are almost absolutely vulnerable to a variety of different kinds of attacks, I ask whether my colleagues are willing to vote against a mere \$10 million to begin the basic research to see whether there are not some ways we might want to eventually pursue to protect those satellites.

I hope my colleagues will seriously consider this amendment.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

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

DEPARTMENT OF DEFENSE,
MISSILE DEFENSE AGENCY,
Washington, DC, July 6, 2007.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your June 28, 2007, letter requesting my thoughts on the decision by the Senate Armed Services Committee to zero out funding for the Space Test Bed. I appreciate the opportunity to respond to your concerns.

Space-based missile defenses—as one tier in an architecture of mutually reinforcing layers—could provide on-demand, near global access to ballistic missile threats, free from the obstacles of geography, strategic warning time, or the politics of international basing. Space-based defenses would apply early pressure on launches from land or sea, depriving adversaries of free rides into mid-course with increasingly advanced countermeasures.

The Space Test Bed is not an acquisition program for space-based missile defenses. It is a proving ground for concepts and integrated technologies that might someday enable a space-based layer in the BMDS should the data indicate feasibility (survivable, affordable, deployable, operable) and if future policy decisions permit. Exploration of alternative implementation architectures is a critical part of the Space Test Bed.

The Missile Defense Agency can determine technical and operational feasibility in the Space Test Bed. Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support.

Network Centric Operations, combined with in-hand lightweight Kill Vehicle components and high performance liquid propulsion, are at the heart of high speed, low mass, highly maneuverable access to targets in their boost and post boost phases of flight. This reference concept exploits an infrastructure of communications, sensors and fire control utilities that are already in place or under development to support global terrestrial engagement. Space Test Bed efforts will use this concept as the point of departure.

The centerpiece of the Space Test Bed is a terrestrial Proof of Concept phase. Proof of Concept does not validate a specific design, but is instead a functional proof of feasibility. In the Space Test Bed, critical operational and technical issues are resolved on the ground to the maximum extent possible. Orbital testing—conducted only after notification to Congress as required—would occur in the years beyond the terrestrial Proof of Concept to resolve the limited subset of space basing issues that would otherwise be irresolvable.

Fiscal Year 2008 Space Test Bed funding of \$10 million is intended to identify alternative architectural options for a space-based missile defense layer and to set the stage for subsequent experimentation and demonstrations. Fiscal Year 2008 activities address the following questions:

What are the essential components and interfaces of a space-based missile defense layer and how does the space layer fit into the BMDS? What is the concept of operations and what are the detection-to-intercept functional timelines? What is the payoff to the BMDS of a global, on-demand, early intercept layer?

How much would a space-based missile defense layer cost, including lift, ground segment support, and period replenishment of the constellation?

How susceptible would a space layer be to countermeasures? In particular, can a space-based layer survive against a determined effort to suppress the defense, to include direct ascent or co-orbital ASATs and nuclear detonations in space?

What are the critical technical and operational issues that must be resolved by analysis, experimentation, demonstration, and fundamental engineering data collection in the Space Test Bed? Beyond Fiscal Year 2008, what activities would be most appropriate to the resolution of each issue? What components and subassemblies would have to be

procured? What instrumentation would be required? What facilities and range support might be needed?

The Space Test Bed is designed to assess the feasibility of a space-based missile defense layer against the day when one might actually be needed. It is not a crash effort designed to produce answers by an arbitrary date and will be purposely designed to support the policy debate with real data and concrete assessments of capability.

Please contact Mr. Timothy Coy, Director for Legislative Affairs, if you have any additional questions.

Sincerely,

HENRY A. OBERING III,
Lieutenant General, USAF, Director.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to speak in favor of the Kyl amendment, but I do not want to step in front of the speaking order. I wonder what the speaking order might be?

The PRESIDING OFFICER. There is no order.

Mr. ALLARD. Mr. President, I think the Senator from North Dakota was here before me.

I ask the Senator, does he want to speak?

Mr. DORGAN. Mr. President, I did speak prior to Senator KYL. I would like to speak for about 5 minutes in response, but I will be happy to wait.

Mr. ALLARD. No. I say to the Senator, go ahead and speak. Then I will follow.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. SALAZAR. Mr. President, will my friend from North Dakota yield?

I am just trying to get some order here in terms of the sequencing. I understand the Senator from North Dakota wants to go for about 5 minutes. I was wondering how long my friend from Colorado might want to speak.

Mr. ALLARD. Mr. President, I request 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order be, then, that following Senator DORGAN and his comments and Senator ALLARD and his comments, Senator MENENDEZ be recognized to offer an amendment, and following that, I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Mr. President, reserving the right to object, I just ask if folks would be willing to amend that unanimous consent request slightly to allow me to offer an amendment following all of that and to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, I certainly respect the views of my colleague from Arizona. He and I have had these discussions before. I do not come to the floor suggesting there are not a wide range of threats against our country. I recognize there must be a general who would support this program. You show me any program in the

Pentagon, and I will show you four or five generals who are involved in it and whose careers are attached to it in many ways. It is why many programs continue long after they perhaps should.

But with respect to this issue of the use of space, my colleague, when he began his statement, said this: The space test bed program is not solely—"not solely"—for the purpose of developing a space-based kill vehicle for missile defense. I respect that. But most people understand this space-based test bed is, in the longer term, being developed for a space-based kill vehicle and for space-based missile defense.

Yes, it would have satellite capability and antisatellite capability, for that matter, which will cause some real consternation around the world, in my judgment. But I wonder what would happen if today on the floor of the Senate we were here and we read in the newspaper that the Chinese or the Russians—either—have just passed legislation embarking on a project to develop a space test bed which can be used for the purposes of ballistic missile defense or, perhaps, antisatellite operations? We would have people on the floor of the Senate having an apoplectic seizure: The Chinese or the Russians are trying to weaponize space. How dare they?

Yet we are being told we need to proceed with a program that is not authorized, a program that is not appropriated in either the House or the Senate, because it is just research. The problem is, I have seen this "just research" sort of thing go on with all of these programs and projects. We know where this "just research" is leading to. The "just research" is the desire of some to develop a space-based antimissile program. It is not enough to have a ground-based system; they want to put it in space.

I am just telling you this: Do you think the rest of the world is going to sit by and say: OK, that is all right. Just stick a test bed up there. Do a little research. Then put a kill vehicle up there. That will be all right. It won't bother us very much.

Look, we have thousands of nuclear weapons. We have nuclear delivery vehicles all around the world. I am, frankly, at this moment much less concerned about a delivery vehicle that is traveling 14,000 miles an hour than I am a rusty Yugo car sitting at a dock in New York City with a smuggled small-yield nuclear weapon from the Russian arsenal in it. That is what I am concerned about.

Look at the threat meter against this country—and, yes, there is really a threat meter. People have evaluated: What are the greatest threats and what are the lesser threats? Look at the threat meter and evaluate what the greatest threats are against this country. Those are the threats we are spending the least amount of money defending America against. Yet we

spend over \$100 billion for ground-based interceptors in the national missile defense program as it has morphed into other programs to protect against an intercontinental ballistic missile.

We are told the great threat against our country comes now from rogue nations and from terrorist organizations. Does anybody really think a rogue nation or a terrorist group is going to attack us with an ICBM? Isn't it more likely, isn't it increasingly likely the threat will come in other ways? And isn't it true we are responding to that with much less money? We are responding to the lesser threat with more money, the greatest threat with less money. I do not understand that.

My colleague indicated that laser technology, for example, is more effective against a satellite if it is space-based laser technology.

So we put up a test bed, do a little research, put some technology up there with laser capability, and so do the Chinese and so do the Russians. Now you have two other systems up there much more effectively able to knock down a satellite. Wouldn't it be much smarter for all three of us to decide we are not going to weaponize space, we are not going to take an arms race to space?

That is why I say we have responsibilities in the world as a leader, the preeminent nuclear power in the world. We have responsibilities to decide this has to be an international discussion. I believe our greatest responsibility right now as a country is to lead in the direction of deciding we are going to try to reduce the number of nuclear weapons, prevent other countries from getting nuclear weapons, and try to shut down this potential to move weapons into space. That ought to be our responsibility. That is what will make this a safer world.

So my hope is we will defeat this amendment. I think this is a program which has justifiably been ignored by the authorizing committees and the money for which has been deleted by the appropriations committees. I appreciate very much the work of the appropriations committees to delete the \$10 million that has been requested for the space test bed. I think that is the right choice for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise in support of the amendment of my good friend from Arizona to restore funding to the Missile Defense Agency's space test bed program.

The committee currently provides no funding to the program in this bill. Cutting this program will eliminate the ability to identify alternative architectural options for the space-based missile defense layer that sets the stage for any and all subsequent experimentations and demonstrations.

I do not think this issue is as simple as my colleague from North Dakota mentioned. I think that no matter

what we do, our adversaries will continue to try to figure out ways to disable our space capabilities. If we do not watch it, we are going to find ourselves on the short end. I do not think it speaks well for the future of this country.

Think of the assets we have in space. It is not all related to missile defense. Think of our telecommunications systems, our telephone systems. Think of our systems where we are doing mapping from out in space, for example. The fact is, this country is building more and more of its infrastructure on the concept of some sort of interaction with assets in space. We need to be prepared to defend those assets.

This is not something we can deal with at the last minute. We need to be thinking: Where are our vulnerabilities going to be 15, 20 years down the road? Because you just cannot click your fingers and decide you are going to have all the technology there and the assets you need. We need to prepare today to begin to think about our vulnerabilities and prepare for those potential risks we may be faced with in the future. I do not think we can ignore the fact that China set up a missile and destroyed a satellite in space. What do you think the message is there? That is happening no matter what we do. We have a lot of assets in space, some of it is defense related, some of it is not. But it is this test bed that will help us develop the technology that will allow us to protect those vital assets we have.

Essentially, by rejecting this amendment, we would be choosing to cut the legs out from underneath the program of missile defense and delaying the possibilities of reaching future missile defense superiority. But I think it is more than that. Cutting off funding to the space test bed now is the first step of a new direction for MDA that moves away from exploring the future interceptions in space.

Supporting Senator KYL's amendment to restore the program at \$10 million is not an unending commitment to achieving a space-based missile defense system, but it allows a study of concepts and integrated technologies that will someday, perhaps, enable a greater space-based layer in the ballistic missile defense system. But it is more than just that; it is protecting our other space systems and continuing to refine and develop those capabilities. Without funding our space programs, I think we are limiting our future national security options and we are putting our assets in space at risk.

On a broader scale, I am concerned that the rejection of this amendment would serve as a precedent in future years to provide further cuts to missile defense programs. Obviously, we are no longer involved in the Cold War, which prompted the creation of our missile defense programs, but we now face new threats from enemies who are anxious for our demise.

As we all know, last July, I will reiterate, North Korea tested an intercontinental ballistic missile that they had hoped could reach the United States. Iran is also testing ICBMs and is projected to have the ability to reach continental Europe and potentially the United States by 2015. Certainly, I do not need to reiterate the comments Iran's President directed at our Nation and Israel.

The Space Test Bed is a study for technology that could protect us in the future, and a space-based system that protects our satellites and our space assets, and it enables us to have that protection. Cutting off funding for this study and ignoring this future threat is simply irresponsible, in my mind.

General Obering, regarding last week's missile test, asked the question:

Does the system work? The answer is yes to that.

General Obering also said:

Is it going to work against more complex threats in the future? We believe it will.

That is his opinion. I think we have more to be concerned about than just missile defense. Obviously, I am a strong proponent of that and everybody knows where I come from and how essential I think that is to protecting this country and assuring the security of this country in future years. But even more important, we have to be working on this technology to protect our other space assets that we have flying around up in the sky that are helping us with telecommunications, helping us with the GPS, which we have become more and more reliant on, and other infrastructure that we have been developing.

So I hope the rest of the Senators will join me in supporting the Kyl amendment. I don't think we can continue to ignore the threat to our assets in outer space, and that is why I rise to support the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, after discussing this matter with the Senator from Arizona, I have had my staff do some research. The following may be of interest to the Senate: This bill has fully funded the President's budget request for space-based and space-surveilling satellite systems; for example, in the Air Force research and development alone, in excess of \$585 million. We have funded above the President's request in the Air Force research and development; for example, \$15 million for space situational awareness programs, \$5 million for space control test capabilities, and \$7 million for the RAIDRS program, a total of \$27 million.

I cite this so we will not get the impression that we are not funding anything for space and satellite defense, et cetera.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

Mr. MENENDEZ. Madam President, I ask unanimous consent to call up amendment No. 3198.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. SALAZAR, proposes an amendment numbered 3198.

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

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

The amendment is as follows:

AMENDMENT NO. 3198

(Purpose: To authorize the expenditure of funds appropriated under subsection (b) of the Border Security First Act of 2007 to address any border security issue, including security at the northern border)

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, amounts appropriated under subsection (b) of the Border Security First Act of 2007 may be used to address northern border fencing as well, wherever the greatest security needs are.

Mr. MENENDEZ. Madam President, I offer this amendment with my colleague, Senator SALAZAR from Colorado, because we both feel passionately about the security of our country.

Earlier this afternoon the Senate voted on an amendment to provide funding to create greater security along the border between the United States and Mexico. I voted for that amendment because I recognize we certainly have to do more to protect our borders and, more importantly, because it had monies for employer verification efforts as well. At the same time, I recognize it is simply not enough. It was not enough because it made no mention—no mention—of our northern border or the significant security threat that it presents. That is why Senator SALAZAR and I are offering this amendment—to ensure that the northern border receives the same care and attention as does the southern border.

Last week, the Government Accountability Office released a report detailing the serious vulnerabilities of the northern border between Canada and the United States. Shortly thereafter, I came before this body to talk about those vulnerabilities, and I had hoped to raise awareness about this largely ignored problem. What I may not have accomplished last week I hope to accomplish today by offering this amendment.

With all due respect, I question this body's almost single-minded focus on the southern border. Personally, I am sick and tired of voting on amendment after amendment to build a fence be-

tween us and Mexico, amendment after amendment sending more Border Patrol agents to the south, amendment after amendment focusing on the gaps in our southern border, without—with-out—the same attention and the same concern directed toward our northern border.

Last week, the Government Accountability Office reported that given the current state of the northern border, almost anyone could enter our country undetected carrying radioactive material or any other illegal and dangerous substance. Almost anyone could bring chemical or biological weapons into our country across the northern border. That is simply unacceptable. But what is more unacceptable and what is more shocking to me is that this body continues to ignore these findings and instead focuses, as it did today, almost unilaterally on building a fence to separate us from our southern neighbors.

Now, what did the previous amendment have to say about the northern border with Canada? What did it have to say about the current gaps that could allow a terrorist to waltz right in and detonate chemical or biological weapons? Absolutely nothing. That is why we are here today. We are here today to make sure we take care of our northern border, and that we make it just as safe and as secure as our border to the south. We either protect the Nation as a whole or we have not protected the Nation at all.

The problems of the northern border, by the way, are not new. In fact, the 9/11 Commission noted that in 1999, there was one single agent on the northern border for every 13.25 miles. They compared this to the southern border which had one agent every quarter of a mile. So in one case, we have an agent for every 13.25 miles, and in the other case we have an agent for every quarter of a mile. Sadly, however, not much has improved since the 9/11 Commission pointed that out. In fact, currently only 965 agents out of a total of 13,488 agents are stationed in the north—only 7 percent. Such numbers are ludicrous when we consider that our northern border spans over 5,525 miles and is almost three times as large as the 1,993-mile southern border, 3 to 1 odds. That is exactly why the 9/11 Commission specifically recommended that the border between Canada and the United States be strengthened and that immigration controls be tightened.

Now, it doesn't take a rocket scientist to figure out that if you put 13,000, or a little less than 13,000, border agents in one part of the country and you put 965 in another part of the country, and I want to do damage to the country, where am I going to come through? Where I have to face almost 13,000 agents in a third of the space or where I have to face 965 agents in three times the space? Of course, those agents work on a rotational system, so it is not that they are all out there at the same time. So it is a third of those

people who are out there at any given time. It doesn't take a rocket scientist to figure how you do harm.

Even before the 9/11 Commission issued its report, the Office of the Inspector General found serious problems with the security of the northern border. In 2000, the Office of the Inspector General found that Border Patrol agents in northern border sectors experienced more—more—organized criminal activity than agents in the southwest—more organized criminal activity than agents in the southwest. It found that illegal activity in the north was facilitated by the open nature of the border, the unpatrolled waterways, and the vast stretches of wilderness with little enforcement present. It noted that a severe lack of resources prevented the Border Patrol from truly knowing even the extent of the problem.

Sound familiar? It should, because nothing has really changed. Last week, MSNBC had video clips of people crossing the northern border of Canada with bags in their hands, with impunity, totally unobstructed, unprotected.

Make no mistake about it. Northern border security is a serious problem. It has been a serious problem in the past, and it continues to be a serious problem. Just over the last several years, nearly 69,000 individuals have been apprehended crossing over the northern border. That doesn't include the thousands and thousands who cross without apprehension.

Let me remind my colleagues about the millennium bomber. In 1999, the millennium bomber, Ahmed Ressaam, crossed the northern border with Canada intending to kill as many American citizens in cold blood as possible. While we eventually stopped Ahmed Ressaam from carrying out his plans, we have not addressed the problem that allowed him to enter the United States in the first place.

We simply cannot afford to ignore the problem of our northern border. And we will not, if we pass our amendment; we will be able to address that serious concern. Our amendment ensures that the \$3 billion appropriated under Senator GRAHAM's amendment is also available for use on the northern border, wherever the greatest security needs are.

So we urge our colleagues to support this amendment. Trying to secure our Nation by focusing on only one of two borders is a recipe for disaster. We either protect the entire country, or we end up protecting none of it. This amendment guarantees we protect the entire country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I rise today to speak on behalf of amendment No. 3198 offered by my good friend and colleague, Senator MENENDEZ and myself. It is a very simple amendment that addresses one of the largest national security issues of our

time. It is an amendment which in its simplicity says a lot, but it is, nonetheless, short. It says that amounts appropriated under this section of the bill, for the Border Security First Act of 2007, may be used to address northern border fencing as well, wherever the greatest security needs are.

Let me say that again. It says: May be used to address northern border fencing as well, wherever the greatest security needs are. It is a simple amendment and one which I hope colleagues on both sides of the aisle join in and support its inclusion in this Defense appropriations bill.

I want to step back just for one second and refresh our recollections on debates we have had on the issue of the overhaul of our immigration laws in our country. I think there was broad agreement that we needed to do three things in that particular overhaul. We needed, first of all, to secure the borders of America, to secure the borders of this country. Secondly, we needed to move forward and be serious about being a Nation of laws and making sure we were enforcing our laws in America, that we honor the rule of law in this country. Thirdly, we needed to deal with the realistic solution to the economic and moral issues which are a part of the issue of immigration which still so affects our country.

We were not able to get that done, so the reality of it is that today we have a system which is still in chaos, a system which is in disorder, and we continue to have our national security compromised. We have broken borders in this country which must be fixed. So the amendment offered earlier today, which I proudly supported, offered by my friend, Senator GRAHAM, was an important amendment because what it does is it invests in one of the issues that we need to address with respect to immigration, and that is border security.

It is border security. I supported that amendment in the same way we supported that concept as we moved forward in our debate over immigration reform. What is unfair, frankly, about what we are doing today is focusing only on one border—only on the southern border. There is a great disparity in terms of the kinds of resources we are putting into the protection of the southern border and almost nothing in the northern border. That disparity makes no sense whatsoever when one considers the challenge we face from a national security point of view.

When one considers the fact that the border between Canada and the United States is almost 12,000 miles long—11,986 miles—and there are only 972 Border Patrol agents, and when you consider that number in comparison to what we now have on the border with Mexico, where we have a 1,900-mile border, with almost 12,000 Border Patrol officers, and we have a border that is much longer in the North, for every Border Patrol officer we have in the North, we have 12 in the South to guard a much smaller border.

So the question for us has to be: Are we deploying our resources to where the greatest vulnerabilities are? The GAO, at the request of Senator GRASSLEY and Senator BAUCUS, reported to the Finance Committee in the last several weeks about the vulnerabilities they found on the northern border. They have found, through the investigators at the GAO, that there were people who could come across from Canada into the United States without ever being stopped, with radioactive materials being a part of what could be placed in those duffle bags the agents were carrying across the border. They were able to come across time and time again without anybody ever catching them.

One of the questions I asked the Border Patrol agent was: What is it that the Border Patrol office does in terms of using its resources? He said: We put them where the greatest vulnerabilities are. I would say when we look at the issue of national security, we ought to be putting the resources where the greatest vulnerabilities are. There are resources, yes, we ought to be putting on the southern border, and we have done that. But we cannot ignore the reality of the northern border—the reality that there are 12,000 miles, most of which is now unguarded, where people can come across the border into the United States with impunity and bring with them weapons that would do harm to Americans on American soil.

So this amendment goes a long way toward addressing that issue by saying that the money allocated here for border security should, in fact, be used where those greatest vulnerabilities are.

I will end by simply stating that even in the days after 9/11, when people were looking at the issue of terrorism in the United States, it was the Canadian intelligence service that made the finding that there were international terrorist organizations active in Canada; in making that finding, they were recognizing that one of the things they needed to do for national security was to be much more vigilant with respect to terrorism in Canada. We know that since that time, we have been infiltrated in this country by a terrorist who attempted to come across the border, Ahmed Rasm, an Algerian terrorist, who came into the United States, going into Washington, with approximately 100 pounds of explosives in his trunk. With 100 pounds of explosives in his trunk, he was headed to Los Angeles International Airport. That came from the northern border.

I urge my colleagues to support the Menendez amendment No. 3198 in the interest of making sure we are securing our borders and that we are moving forward with national security that makes sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 3141

Mr. VITTER. Madam President, I call up amendment No. 3141.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for Mr. SESSIONS, for himself and Mr. NELSON of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG, proposes an amendment numbered 3141.

The amendment is as follows:

(Purpose: To enhance United States sea-based missile defense capabilities)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) \$20,000,000 may be for an increase in the production rate of the SM-3 interceptor to four interceptors per month;

(2) \$45,000,000 may be for long-lead production of an additional 15 SM-3 interceptors; and

(3) \$10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

Mr. VITTER. Madam President, I ask unanimous consent that Senators BAYH and LINCOLN be added as cosponsors to the amendment.

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

Mr. VITTER. Madam President, I present this amendment on behalf of Senator SESSIONS, the lead author, as well as many coauthors, including myself, from both sides of the aisle. Senator NELSON of Florida will speak, and Senator KYL, and Senators LIEBERMAN, INHOFE, PRYOR, LAUTENBERG, BAYH, and LINCOLN.

Clearly, this is a very bipartisan initiative and, I believe, a very important one. This amendment would make available an additional \$75 million for the Aegis ballistic missile defense system. That is a very important sea-based component of what will hopefully be a multilayered approach to missile defense—to defend our country, as well as our interests and allies around the world.

That money would come from an existing larger pot of funds already in the legislation, already available, for missile defense more generally. Specifically, \$20 million of that money could be used to increase the production rate of the SM-3 interceptor; \$45 million could be used for long-lead production of an additional 15 SM-3 missiles; and \$10 million can be used to accelerate the development of the Aegis BMD Signal Processor and Open Architecture software for the Aegis BMD system. They are all very important components to the overall Aegis system and moving forward with this sea-based component of our missile defense.

This amount that would be made available under the amendment is precisely tied to the amount and the activity authorized in our National Defense Authorization Act—the chairman's mark of that—which passed the Senate on Monday. Similar increases for this proven capability were also included in the House Defense authorization and appropriations bill—a clear indication that this is a broad, bipartisan priority, a very important priority in terms of our overall missile defense network.

The additional funding that could be made available by this amendment would increase the production rate of the SM-3 missile interceptor, which is carried aboard Aegis destroyers and cruisers. There are about two dozen of these missiles in the inventory today, and this number is expected to rise to 132 by the end of 2013, which is not nearly enough to keep pace with the threat. That threat is very real and it is growing. That has been identified and documented by our military leaders.

In fact, they said there is a need to nearly double the number of planned interceptors. To be sure, North Korea alone deploys 600 short-range ballistic missiles and 200 medium-range ballistic missiles that can reach U.S. forces in Japan, South Korea, Okinawa, and Guam. Similarly, Iran deploys scores of short- and medium-range ballistic missiles and, of course, both entities are developing longer range systems that could target Europe or even the United States.

I believe this is very important. We need a multilayered approach to missile defense. We need to accelerate the development of that, and this Aegis system, which is sea-based, is a very important part of that. It is important to do it; it is important to send the message loud and clear to our allies and enemies around the world that we are doing it.

In closing, I thank Senator SESSIONS for his leadership and also Senator NELSON of Florida, who will speak very soon, and all the other bipartisan cosponsors of this important amendment.

I ask unanimous consent, first—because he approached me first—for Senator KYL to have up to 5 minutes to respond to other debate on the Senate floor and then, immediately after that, Senator NELSON of Florida to speak for an appropriate time on this Sessions-Nelson amendment No. 3141.

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

The Senator from Arizona is recognized.

AMENDMENT NO. 3144

Mr. KYL. Madam President, I wish to respond to four quick points made in reference to my amendment, which is amendment No. 3144. First, the chairman of the committee, the Senator from Hawaii, said we have funded many space programs, and he mentioned the Space Tracking and Surveillance System and Space Situational Awareness

Programs. That is true, except that they cut \$55 million out of the STSS Program. The key point is that those are situational awareness and tracking programs, not defensive programs. There is zero in here for the defense space test research program. That is what I am talking about—not situational awareness and tracking but an actual Defense research program.

Secondly, the Senator from North Dakota first responded to my argument and the fact that I had quoted General Obering's support by saying he is not surprised that the Kyl amendment is supported by a general, that they usually are because their careers depend upon programs. Frankly, I am astounded by this ad hominem attack. Let's attack the substance of the program, not the general who supports it. We cannot trust our generals? Is that what is being said? We ask them to devise ways of protecting us from attack, and that is the thanks they get.

Let's turn to the substance of the argument. Two primary points were made by the Senator from North Dakota. First of all, because the space-based test bed program could evolve into a space-based missile defense, regardless of its other benefits for satellite protection, we should not fund the program. Well, my first reaction is, God forbid that we would develop a program to defend us from intercontinental ballistic missiles. We would not want to do that. Of course, the point is there are years of decisionmaking between the time that a space-based test bed program evolves into concepts and potential programs and the research evolves into specific proposals and the time that the Senate would ever vote on them.

Does the Senator have such a lack of confidence in his ability to stop such a horrible thing—space-based defenses—that he is not even willing to allow a program to be funded to develop conceptual programs to defend our satellites in space, which presumably we all favor?

Finally, the last argument was, well, the nations of the world would be better to get together and have an agreement not to develop weapons in space. There are two answers to that. First of all, what is a Chinese missile flying through space to hit a satellite called? That is what they did. As the Senator from Florida and I discussed the other day, that they left a lot of space debris is a problem in the wake of that attack. What is a missile flying through space to hit another country's satellite called? Is that a weapon in space? Are we so afraid of defending our satellite assets that we don't want to defend against a satellite killer missile from a country coming up from the ground into space that hits our satellite? Would we not want to defend it from space?

That is a ludicrous argument. I don't believe we are going to get the countries of the world together to join in a treaty to have them forget programs

that they have already been developing—the Chinese in this particular case—because they want to have an asymmetric way of destroying our satellites.

The bottom line is this: The United States better get serious about defending our eyes and ears in space and now the satellites that direct so much of our military activity. Other countries have the ability to turn off the light. They know where the switch is. In times of war, we cannot be blind and deaf and be denied our space assets. And yet virtually by turning off the switch, other countries have that capability. Isn't it about time we begin the first steps of developing a capability against that?

I note, by the way, that the \$10 million program out of a budget for missile defense of over \$8 billion is hardly enough to color general Obering's claims that this would be a good program for us to begin research on.

I hope my colleagues, when this amendment is voted on, will think about the future, will think about the fact that they have plenty of opportunities to stop a program should it ever evolve into a space-based missile defense program. If they want to stop that, stop that, but don't use that as an argument to stop research on a satellite protection program.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wish to respond to the Senator from Arizona. Yes, the Chinese ASAT test is a threat and is particularly a threat because it could knock out our satellites, and it has left a lot of debris up there that can destroy everybody's satellites if there is a collision.

If I could get the attention of the Senator from Arizona, I say to him if what he wants to do is to protect our space assets, there are other parts of the defense budget to which it should be addressed instead of the national missile defense part of the budget. There is a part that is handled under the strategic command called space situational awareness that would be more appropriate to address the issue of protecting our space assets. Most of that is highly classified and cannot be discussed here.

By the Senator from Arizona wanting to put this amendment into the part about national missile defense, it takes us back to the old idea of star wars and the starting of weaponization of space.

I suggest to the Senator that we can work this out, but it is not going to be able to be done right here in a few minutes on the floor, given the classified nature of a number of these programs.

I urge the Senator, if his intention truly is the protection of space assets, for us to consider those other programs that are now in development and not to take his amendment to a vote, which this Senator would then have to oppose.

I yield to the Senator for his response and any questions without yielding the floor.

Mr. KYL. Madam President, I was going to suggest that, and I appreciate the Senator's comments. I am aware of the situational awareness programs. The point I was trying to make earlier in response to the distinguished chairman of the committee is this is not a situational awareness program. This is a program that could actually result in the development of defenses for our satellites, a lot of different potential concepts.

The concepts that would protect the satellites from space, of course, are different potentially from the concepts that would protect them from the ground.

I am happy to have a different line in the budget, if that is going to solve the problem. But what I don't want to do is to have the money allocated simply for tracking or surveillance or situational awareness as opposed to researching development of potential defenses.

I wonder if my colleague will respond.

Mr. NELSON of Florida. Madam President, by the Senator from Arizona wanting to put this as a part of a proposed space test bed, that is clearly understood, and that is why all four of the Armed Services and Appropriations Committee bills eliminated this \$10 million for the proposed space test bed because that is the initial step toward deploying space-based interceptors for missile defense. So everybody understands what that means, the space test bed is intended to deploy weapons in space. If that is not the Senator's intention, then we ought to look to this space situational awareness which is the question of us protecting assets in space.

Mr. KYL. Madam President, if I may respond to the Senator, part of defending a satellite against an attack is being aware the attack is pending, is about to happen, or is happening. But if all you know is that I am being attacked and you are not capable of defending yourself, the knowledge you are being attacked is of little use. So this is not a matter of surveillance or situational awareness; it is a matter of developing defenses.

I guess I would put this question to my colleague: As an abstract principle, would my colleague favor or oppose the concept of a space-based defense of satellites of the United States that have military uses, in other words, a defense that would be perhaps based on the satellite itself to jam signals as some weapon homes in or that would create some kind of effective shield of electromagnetic pulse or other kind of electronic defense or even a kinetic kind of defense for the satellite if it is under attack, perhaps some kind of shielding against a laser attack? In other words, all different kinds of attacks that might come.

As a hypothetical matter, would my colleague not agree that it would be

very useful and appropriate, even if those defensive capabilities are located in space, for us to be able to protect our satellites in that way or would my colleague consider those to be space-based weapons that are impermissible?

Mr. NELSON of Florida. Madam President, I want to be careful in what I say because under some highly classified programs, this Senator simply cannot discuss these matters. If the Senator wants to press his amendment to a vote, this Senator suggests he is not going to have the votes, and if what he is saying is he wants to protect space assets, there are programs that are being developed in this country to do exactly that. And that is all this Senator can say.

Mr. KYL. Madam President, let me say, first, I am aware of what is being done to protect our assets, and we don't, as has been said before on the floor of this Chamber, have defenses for our satellites in space today by an attack by another country. We have to work in this area. The space-based test bed is one of the places in which we could develop proof of concept that could be effective both for our satellites and, yes, also for an attack by a hostile missile because that is where this program started, it is in the missile defense budget. But that doesn't mean if I drop this amendment, for example, as the Senator is suggesting I do, that, therefore, we can forget about the need to protect our satellites because everything is taken care of. We have a need to develop concepts which include the ability to test, first, terrestrially and then in space, proof of concept that would provide for defenses, that would both protect satellites and protect against a hostile missile attack.

For the life of me, I don't see why my colleague can so confidently predict that my amendment will not have the votes to be adopted simply because on down the road many years from now it is theoretically possible that a concept would be developed to protect against a hostile missile attack with some kind of a space-based program.

Mr. NELSON of Florida. Madam President, I wish to say—and all I am allowed to say—and let me tell the Senator I don't think he has read into all of the programs—if he would so like to be, then he ought to pursue this discussion not in this open forum.

I will further say the proposed space test bed in a missile defense program is a missile defense program, not a space asset protection program that the Senator from Arizona is saying it is. Therein lies the difference.

If he is going to insist on pressing his question—somewhere out here we have to have some mutual trust and understanding. I cannot satisfy the Senator by virtue of me being limited in what I can tell him in this open session. So I will leave it up to the Senator as to whether he wants to press his amendment.

Madam President, I need to speak on the other amendment, on Senator VITTER's and my amendment.

I yield the floor for the purpose of the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, the debate suggests very strongly that there is much uncertainty in this amendment. Therefore, I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3144 WITHDRAWN

Mr. STEVENS. Madam President, I ask unanimous consent that amendment No. 3144 be withdrawn.

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

Mr. REID. Madam President, I appreciate that very much. As when I announced this bill, I indicated we had two of our most senior Members managing it, with great experience, and here is an indication of what I was talking about. This is a time when these two men understand this bill more than anyone else, because they have managed it for so many years. I appreciate their management on this, and we hope to be drawing this bill to a close.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. REID. Madam President, one of the privileges I have as majority leader is the opportunity to welcome, on rare occasion, fellow legislators from various places. Today, we are fortunate to have legislators from the European Parliament who are here as part of a regular transatlantic legislative dialog. It is very important. This is a tradition that started in 1972 and has continued every year since.

The current delegation includes members of the Parliament from the newest European Union countries of Romania, Bulgaria, Estonia, as well as from the founding members of Italy, France, the Netherlands, and Germany. We are pleased as well to see colleagues from the United Kingdom, Ireland, Spain, the Czech Republic, Poland, Portugal, and Finland.

The European Parliament today has 727 members who sit in 9 different political groups, not by country, representing the entire political spectrum of Europe from left to right. They work

in more than 20 languages, representing 450 million people who elect the Parliament in free and democratic elections every 5 years.

It wasn't very long ago that some of these nations represented by our colleagues here today broke free from totalitarian communism. Now they are participating in the European Union as full and equal members, enjoying the benefits of growing market economies and stable democratic governments under the rule of law.

Madam President, I ask unanimous consent to have printed in the RECORD the names of our colleagues from the European Parliament.

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

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE UNITED STATES

63rd EP/US Congress Interparliamentary Meeting, Transatlantic Legislators Dialogue (3-8 October 2007, Washington, DC and Nevada)

Mr. Evans Jonathan, Chairman, PPE-DE, United Kingdom; Mr. Hamon Benoît, Vice-Chairman, PSE, France; Mr. Belder Bastiaan, IND/DEM, Netherlands; Mr. Burke Colm, PPE-DE, Ireland; Mr. Cercas Alejandro, PSE, Spain; Ms. Cretu Corina, PSE, Romania; Mr. Crowley Brian, UEN, Ireland; Ms. Descamps Marie-Hélène, PPE-DE, France; Mr. Duchon Petr, PPE-DE, Czech Republic; Mr. Fatuzzo Carlo, PPE-DE, Italy; Mr. Giertych Maciej Marian, NI, Poland; Ms. Gomes Ana Maria, PSE, Portugal; Ms. Iacob-Ridzi Monica Maria, PPE-DE, Romania; Ms. In't Veld Sophie, ALDE, Netherlands; Ms. Jäättteenmäki Anneli, ALDE, Finland; Mr. Kuhne Helmut, PSE, Germany; Ms. Mikko Marianne, PSE, Estonia; Mr. Millán Mon Francisco José, PPE-DE, Spain; Mr. Nicholson James, PPE-DE, United Kingdom; Ms. Quisthoudt-Rowohl Godelieve, PPE-DE, Germany; Mr. Skinner Peter, PSE, United Kingdom; Mr. Tatarella Salvatore, UEN, Italy; Ms. Zdravkova Dushana Panayotova, PPE-DE, Bulgaria.

Mr. REID. I would advise Senators that our colleagues from the European Parliament are available now to meet on the floor for the next few minutes. I welcome them.

I would announce also, every time I meet a foreign dignitary, I say to them—because they go to Dallas and New York, Chicago, and L.A.—that they never go to Nevada. Well, tomorrow they are headed for Las Vegas.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:55 p.m., recessed until 5:04 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the new Chairman of the Joint Chiefs of Staff, Admiral Mike G. Mullen, has made a statement to our American soldiers, sailors, airmen, marines and their families. I was privileged to get a copy of this, and I think it is the type of letter every Member of the Senate should be allowed to read. So I ask unanimous consent it be printed in the RECORD.

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

To America's Soldiers, Sailors, Airmen, Marines and your families, I am honored today to begin my term as Chairman of the Joint Chiefs of Staff. As I do, allow me to thank you for your service at this critical time in our Nation's history.

Whether you serve in Baghdad or Bagram, Kabul or Kuwait—whether you find yourself at sea in the Pacific, flying support missions over Europe, on the ground in Africa, or working every day at stateside bases—you are making a difference and so is every person in your family. Your service matters. And I do not take it for granted.

The world is a dangerous place. The hundreds of thousands of you who have deployed since September 11th—many of you more than once—already know that. You've stood up to those dangers. You have lost friends to them. You may even have lost some of yourself to them. The dangers of this new and uncertain era have hit you and the people you love squarely in the gut. I will not lose sight of that.

Nor should any of us lose sight of the need to continue serving. The enemies we face, from radical jihadists to regional powers with nuclear ambitions, directly and irrefutably threaten our vital national interests. They threaten our very way of life.

You stand between these dangers and the American people. You are the sentinels of freedom. You signed up, took an oath, made a promise to defend something larger than yourselves. And then you went out and did it. I am grateful and honored, to be able to serve alongside you.

The law says my main job is to advise the President, the Secretary of Defense and the National Security Council on issues of military readiness and capabilities. I will do that. But, I also see myself as your representative to those same leaders, an advocate for what matters to you and your families—your voice in the policies, programs, and processes that affect our National security. I will not forget the impact my decisions have on you.

I will remember that you, too, comprise a great generation of patriots, and that among you are combat veterans with battlefield experience that many at my level have never and will never endure. I will tap that experience. I want to make sure we learn from it.

I am not interested in planning to fight the last war, but neither am I interested in ignoring the valuable lessons we continue to learn from this one. It would be foolish to dismiss the knowledge you have gained. I will not do that.

I know the wars in Iraq and Afghanistan are taking a toll on you and your families. They are taking a toll on our equipment, our systems, and our ability to train as well. I worry, quite frankly, that they are taking a toll on our readiness for other threats in other places.

But that does not mean our struggles there are not important. They most certainly are important. They are vital.

To the degree the wars in Iraq and Afghanistan contribute to or detract from a stable,