

Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

“(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.”.

SEC. 210. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

“(A) expires not less than 3 years after the origination date of the obligation;

“(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

“(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.”.

Mr. REID. Madam President, 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.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1585

Mr. REID. Madam President, I ask unanimous consent that upon disposition, which it has been disposed of, this bill, S. 2338, the Senate proceed to the conference report to accompany H.R. 1585, the most important Department of Defense authorization bill; that it be considered under a limitation of 60 minutes for debate with respect to the conference report, with the time equally divided and controlled between the chairman and ranking member of the Armed Services Committee; that upon the use of yielding back of time, the Senate proceed to vote on adoption of the conference report; that upon adoption of the conference report, the Senate proceed to H. Con. Res. 269, a correcting resolution; that the concurrent resolution be considered, agreed to and the motion to reconsider be laid on the table; all the above occurring without intervening action or debate.

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

ORDER OF BUSINESS

Mr. REID. Madam President, we are going to then move and complete work today on the farm bill. We hope the two managers can work through whatever minor problems exist. The sooner people determine what they want to do, the more quickly we can dispose of the bill.

As I indicated earlier, we are going to file cloture this evening, this afternoon, on the Foreign Intelligence Surveillance Act. It is an extremely important piece of legislation. There are some strong feelings on both sides of the issue. We are going to come in around 11 o'clock on Monday morning. There will be a vote around noon on Monday. The managers of this bill, this important bill, should be ready to start legislating Monday afternoon. We do not have a lot of time.

This is an important piece of legislation. There are a significant number of amendments people want to offer. A week from Tuesday is Christmas. So I would hope we can work our way through this. We hope there are some other issues we can complete. Late in the session like this, they have to be agreed upon.

Senator MCCONNELL and I have had a number of conversations the last couple of days on the way we are going to end the session regarding funding, other issues relating to funding. The one good thing is both my office and his office have kept quiet about it. As a result of that, things are moving fairly quietly.

That is the way we want it. No one will be surprised about anything. Everyone will know exactly what is going to happen. At this stage, it appears the House will take up the spending matter, the omnibus, on Monday. They will send it to us on Tuesday. That is the glidepath we have now. The path we hope is a smooth one, but in this world we live in, you never know, but it is looking pretty good.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me briefly add, I am hoping there will not be a need for this hour of debate on the Defense conference report. I think we all know what is in it at this point. Hopefully, we can yield back time. There are a number of Members who have travel plans. If we can expedite the consideration of the remaining issues, it would be appreciated by a great many of our Members.

DEPARTMENT OF DEFENSE AP- PROPRIATIONS ACT—CONFER- ENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1585. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 1585), to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Under the previous order there are 60 minutes of debate equally divided.

Mr. LEVIN. Madam President, I ask unanimous consent that the following named staff members of the Committee on Armed Services be granted the privilege of the floor at all times during consideration of and a vote relating to this conference report.

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

Borawski, June M.; Brewer, Leah C.; Bryan, Joseph M.; Caniano, William M.; Carrillo, Pablo E.; Clark, Jonathan D.; Cohen, Ilona R.; Collins, David G.; Cork, Fletcher L.; Cowart, Christine E.; Cox, Jr., Daniel J.; Creedon, Madelyn R.; Cronin, Kevin A.; DeBobs, Richard D.; Dickinson, Marie Fabrizio; Eisen, Gabriella; Farkas, Evelyn N.; Fieldhouse, Richard W.; Forbes, Diana Tabler; Greene, Creighton;

Howard, Gary J.; Hutton, IV, Paul C.; Jacobson, Mark R.; Kiley, Gregory T.; Kingston, Jessica L.; Kostiw, Michael V.; Kuiken, Michael J.; Leeling, Gerald J.; Levine, Peter K.; Maurer, Derek J.; McConnell, Thomas K.; McCord, Michael J.; Monahan, William G.P.; Morriss, David M.; Niemeyer, Lucian L.; Noblet, Michael J.; Parker, Bryan D.; Pasha, Ali Z.; Paul, Christopher J.; Pearson, Cindy; Pollock, David;

Quirk, V. John H.; Rubin, Benjamin L.; Rusten, Lynn F.; Sebold, Brian F.; Seraphin, Arun A.; Smith, Travis E.; Soofer, Robert M.; Stackley, Sean G.; Svinicki, Kristine L.; Sutey, William K.; Wagner, Mary Louise; Walsh, Richard F.; Wells, Breon N.; White, Dana W.;

Mr. WARNER. If the chairman would yield for a minute, I would invite my colleagues on this side of the aisle on the Armed Services Committee to indicate to me if they desire to speak. You have heard the Republican leader urge that we move along as quickly as possible. But I will try to accommodate all those who wish to speak within the 30 minutes allocated on this side.

Mr. LEVIN. Madam President, I make the same request for Senators on this side of the aisle. If they wish to speak during this brief period, let us know. We will try to fit in as many as possible.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I urge the adoption of this conference report for the Defense Department. Every year since 1961 there has been a Defense authorization bill enacted. This year conferees and staff have worked extraordinarily hard, with bipartisan cooperation, and we are proud to be keeping up our four-and-one-half decades-long tradition with this conference report.

The great men and women of our Armed Forces are making the most difficult sacrifices. They are putting their

lives on the line, they are giving up precious time spent with their loved ones, they are driven by love of country and by the call of duty.

Our priorities on this bill are three-fold: Care, readiness, and management. First, care will guarantee our troops have the best health care and support, both on the battlefield and once they return home.

Second, readiness will ensure our Armed Forces succeed, both in ongoing operations and taking on new challenges in future missions.

And, third, management will provide oversight for defense contracts, operations and processes, to ensure efficiency and maximize results.

First, caring for our troops and their families must always be our top priority. Earlier this year, media reports and a joint hearing of the Senate Armed Services and the Veterans' Affairs Committee exposed totally unacceptable conditions at the Walter Reed Army Medical Center.

Further investigation revealed deficiencies in mental health care, in transitioning from DOD to VA care, and in our responsiveness to the needs of our veterans.

This conference report includes the Wounded Warrior Act, which would address all these issues, ensuring our brave men and women receive the best care possible whenever and wherever their health concerns are.

The Wounded Warrior Act brings new focus to the signature injuries of the Iraq war, by establishing and funding comprehensive policies for preventing and treating traumatic brain injury, post-traumatic stress disorder, and other mental health conditions.

It provides for respite care and medical care for family members who are primary caregivers for seriously injured servicemembers.

It requires the Department of Defense and the Veterans' Administration to develop fully interoperable electronic health record systems. The act initiates fundamental reform at the Department of Defense and Veterans' Administration disability evaluation system, by requiring use of the VA presumption of sound mental and physical condition when men and women join the service, and it also requires VA standards for awarding disability.

In both cases, that will benefit our men and women. This act requires the Secretaries of Defense and Veterans Affairs to work together to significantly improve the management of medical care, disability evaluations, personnel actions, and the quality of life for servicemembers recovering from illnesses and injuries incurred while performing military duty.

A lot of Senators have been involved in this effort. I simply wish to acknowledge a few. First of all, the Veterans' Affairs Committee, under the leadership of Senator AKAKA, has been very significant in bringing this matter together, getting it through the Senate and now making this part of a con-

ference report. There are other Members whom I will identify later who have been involved, but for the time being, thanks are owed to many people for this Wounded Warrior Act.

Our report also includes a number of provisions to ensure that our servicemembers and their families are able to maintain a high quality of life. It authorizes a 3.5 percent across-the-board pay raise for all uniform service personnel, half of a percent more than the President proposed, and an expansion and improvement of education assistance and support for family members. I will insert for the RECORD at the end of my comments a much more lengthy list with specific details of the improvements in compensation and quality of life for our uniform personnel.

Second, readiness for our ongoing engagements, primarily those in Iraq and Afghanistan, includes providing equipment, training, technology, and the authorities our Armed Forces need to prevail in combat today. For example, our report authorizes over \$16 billion for mine resistant ambush protected vehicles, MRAPs, to protect against the threat of IEDs in Iraq and Afghanistan, consistent with the Department of Defense's amended budget request responding to urgent operational needs in the theater. Readiness also includes continuing to look ahead to ensure that our Armed Forces are appropriately transforming to be ready to meet emergent threats, to address long-term readiness. This authorization bill increases investments in defense science and technology programs for a total authorization of nearly \$11 billion, \$142 million more than the budget request. It includes authorization for a number of specific additions to our fleets of ships, submarines, aircraft carriers, ground systems, and aircraft. Again, a longer list will be inserted at the end of my statement.

The third priority is management. Sound management and oversight are critical for us to ensure that every dollar spent on national defense is spent wisely and that every initiative carried out by the Department of Defense is done so efficiently and effectively. The conference report establishes a chief management officer in the Department of Defense and in each of the military departments to ensure for the first time that these issues receive the continuous, top-level attention they need and deserve. The conference report would also address a number of specific management challenges that have arisen over the past few years. It will require private security contractors operating on the battlefields in Iraq and Afghanistan to comply with Department of Defense regulations on the use of force as well as orders and directives from commanders. It will establish a commission on wartime contracting in Iraq and Afghanistan to monitor reconstruction, security, and logistics support contracts and to make recommendations to improve the contracting process. It will also establish a

special inspector general for Afghanistan reconstruction, as we already have in place in Iraq.

Further in the area of management, the Department of Defense has lost its institutional capability to manage the hundreds of billions of dollars it spends on goods and services each year. In recent years, we have seen an alarming lack of acquisition planning across the Department, the excessive use of time-and-materials contracts, undefinitized contracts, and other open-ended commitments of DOD funds, and a pervasive failure to perform contract oversight and management functions so necessary to protect the taxpayers' interests. Just last month, the Commission on Army Acquisition and Program Management in Expeditionary Operations reported that systemic failures in the DOD acquisition system have left the Department vulnerable to fraud, waste, and abuse. These problems have been particularly acute in Iraq and Afghanistan, but they are in no way limited to Iraq and Afghanistan. The conference report includes the Acquisition Improvement and Accountability Act of 2007 which would address these problems with the most sweeping piece of Government acquisition reform legislation in more than a decade. Among other things, it will tighten the rules for DOD acquisition of major weapons systems and subsystems, components and spare parts, to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

For example, section 816 of the conference report requires the DOD to review systemic deficiencies that lead to cost overruns on major defense acquisition programs, and section 814 of the conference report tightens data requirements applicable to contractors on such programs. Further, it will establish a defense acquisition workforce development fund to ensure that the Department of Defense has the people and the skills needed to effectively manage DOD contracts. It will strengthen statutory protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts by providing for the first time a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests. A number of other management provisions will be included in my remarks at the conclusion and made part of the RECORD.

The conference report identifies all funding provided for programs, projects, and activities that were not requested in the President's budget. For the first time the report identifies the names of Members requesting such funding. This information was made available to the general public in an electronically searchable format on the Armed Services Committee Web site on December 7. I ask unanimous consent that a letter I signed at the conclusion

of the conference certifying compliance with the requirements of rule XLIV be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 7, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In accordance with the requirements of paragraph 3 of Rule XLIV of the Standing Rules of the Senate, I hereby certify, with regard to the conference report on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the conference report, or in the joint statement of managers accompanying the conference report, has been identified through a list including the name of each Senator who submitted a request to the Committee on Armed Services for each item so identified, and that such information was posted on the Committee website at approximately 8:30 a.m. on December 7, 2007.

In addition, the certifications received by the Committee pursuant to paragraph 6(a)(5) of such rule have been posted on the Committee website in accordance with the requirements of the rule.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. A few other comments on some specific provisions. First, the conference report includes a provision that would restore the collective bargaining and appeals rights for Department of Defense employees who are included in the national security personnel system. I am pleased we were able to work out language on a bipartisan basis that enables the Department of Defense to move forward with personnel reform without denying its employees those well-established rights. The ball is now in the Department of Defense's court to prove it can implement a new performance management system in a manner that is transparent and fair and can gain the acceptance of the Department's civilian employees.

Second, the conference report includes a provision to improve and expand the special immigrant visa program and expand priority 2 considerations under the U.S. refugee program to those Iraqis who have assisted our efforts in Iraq and similar consideration for certain highly vulnerable religious minorities in Iraq. I am pleased that the conference report includes this provision.

I make note of one measure that will not be included in the conference report, sadly, and that is the Hate Crimes Prevention Act of 2007. This critical legislation would have broadened Federal jurisdiction to hate crimes motivated by gender, disability, sexual orientation, and gender identity. I am deeply disappointed that the House conferees were unwilling to include this provision in the conference report and unwilling to put it to a vote as part of the conference report in the

House of Representatives. This provision has my full backing; 60 of us voted essentially for this bill in a vote before the Senate. I hope our colleagues will support it when we bring it up for a vote at a future time.

Finally, I congratulate Senator MCCAIN on his first conference report as ranking member of the committee. I thank my dear friend Senator WARNER for continuing to be such a great partner, when Senator MCCAIN was understandably unavailable. This bill could not have happened without Senator MCCAIN and without Senator WARNER. I also take my hat off to IKE SKELTON who chaired our conference. His even temper and plain decency helped smooth a number of rough edges. I will include at the end of my comments a list of the staff of the Armed Services Committee who worked so tremendously hard to bring this annual bill to the point where we now, hopefully, will see its adoption, see the benefits for our troops and their families and our Nation.

I also want to add to the names of those who worked so hard on the Wounded Warrior legislation Senator PATTY MURRAY of Washington. She has been a leader in this effort and I pay special tribute to her, along with other Members who have worked so hard on the Wounded Warrior legislation.

The conference report includes improvements in compensation and quality of life for the men and women in uniform, in addition to the 3.5 percent pay raise for uniformed personnel, including: Authorizing payment of combat related special compensation to servicemembers medically retired for a combat related disability. Payment is equal to the amount of retired pay forfeited because of the prohibition on concurrent receipt of military retired pay and VA disability compensation; reducing below age 60 the age at which a member of a reserve component may draw retirement pay by 3 months for every aggregate 90 days' service on duty under certain mobilization authorities; enhancing reserve education assistance benefits, including authorizing servicemembers eligible for education benefits under the Reserve Education Assistance Program to use those benefits for 10 years after separation, allowing separated servicemembers to regain eligibility by rejoining a reserve component; and authorizing eligibility for increased benefits by aggregating 3 years of qualifying service or more; and extending the prohibition on an increase in TRICARE fees for retirees and reservists and increasing funds for the Defense Health Program; requiring the Secretary of Defense to establish a Family Readiness Council and develop a comprehensive policy and plans to improve the support for and coordination of family readiness programs; and amending the Immigration and Nationality Act to allow certain spouses and children of servicemembers residing under orders in foreign countries to treat their time accompanying the

servicemember as residence in the United States for the purpose of satisfying citizenship requirements.

The Walter Reed Hospital investigations made clear that we need to improve the care we provide to our veterans, and especially to our wounded warriors. Our Nation has a moral obligation to provide quality health care to the men and women who put on our Nation's uniform and are wounded or injured fighting our Nation's wars. This obligation extends from the point of injury, through evacuation from the battlefield, to first-class medical facilities in the United States, and ends only when the wounds are healed. When wounds may continue to impact a veteran for a lifetime, we have an obligation to continue to provide quality care.

In an effort to better meet this obligation, the conference report includes portions of the Senate and House passed legislation to improve services for wounded warriors. This legislation reflects close collaboration between the Committees on Armed Services and Veterans' Affairs. Some of the Conference Report's provisions would: Require the DOD and VA to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers in an outpatient status; expand treatment and research for traumatic brain injuries, post-traumatic stress disorder, and traumatic eye injuries; guarantee combat veterans mental health evaluations within 30 days of their request; require the DOD to use the VA Schedule for Rating Disabilities in determining servicemember disabilities; increase from 2 to 5 years the period during which recently separated combat veterans may seek care from the VA; require the DOD to use the VA presumption of sound condition in establishing eligibility of servicemembers for disability retirement; and increase leave under the Family Medical Leave Act for caregivers of seriously injured servicemembers from 12 to 26 weeks.

The conference report will ensure that our service men and women are provided with the equipment, training, technology, and authorities they need to prevail in combat, particularly in Afghanistan and Iraq. Specifically, the conference report: Added over \$16 billion for all known Service and Special Operations Command requirements for mine-resistant ambush protected, MRAP, vehicles that improve protection for our troops exposed to the improvised explosive device, IED, threat in Iraq and Afghanistan; funded over \$4 billion for the Joint Improvised Explosive Device Defeat Office, JIEDDO, and directed JIEDDO to invest at least \$50.0 million in blast injury research and over \$150.0 million for the procurement of IED jammers for the Army; and authorized fiscal year 2008 end strengths for the Army and Marine Corps of 525,400 and 189,000, respectively, which is an increase of 13,000 for

the Army and 9,000 for the Marine Corps.

The conference report also seeks to make sure tomorrow's service men and women are provided with the equipment and technology they need to prevail in future operations. To this end, the conference report promotes the transformation of the Armed Forces to meet the threats of the 21st century, including: Requiring the Secretary of Defense to obligate sufficient annual amounts to develop and procure a competitive propulsion system for the Joint Strike Fighter, JSF, program in order to conduct a competitive propulsion source selection, and adding \$196.9 million to the Joint Strike Fighter program in fiscal year 2008 for this effort; authorizing construction for one Army High Speed Vessel and five Navy Battle Force warships, including the first ship of the CVN-21 aircraft carrier class; providing multiyear procurement authority for *Virginia* class submarines, and adding \$588 million in advance procurement funding to support buying an additional submarine in 2010; adding \$300 million in advance procurement funding for 3 T-AKE class supply ships, and \$50 million in advance procurement for a tenth LPD-17 class amphibious ship; adding \$2.28 billion for procurement of 8 additional C-17 Globemaster strategic lift aircraft; and adding \$51 million to the budget request to provide increased space situational awareness capabilities to address concerns raised as a result of the recent Chinese kinetic anti-satellite weapons test.

Devoting modest resources and effort to sound management practices ensures that our defense dollars are well spent. The conferees included several provisions designed to enhance the management of the DOD. Specifically, these provisions would: Provide that the Deputy Secretary of Defense is the Chief Management Officer of the DOD, and establish a full-time position of Deputy Chief Management Officer, with the rank of Under Secretary, to ensure continuous top-level attention to the management problems of the Department; strengthen oversight of reconstruction activities in Afghanistan by establishing a Special Inspector General for Afghanistan Reconstruction, modeled after the Special Inspector General for Iraq Reconstruction; repeal the authority of the DOD to establish a new labor relations system and restore collective bargaining and appeals rights; and allow the Department to continue efforts to develop and implement a new pay for performance system, but only if the system is implemented in a manner that is consistent with existing labor relations requirements; tighten the rules for competition between Federal employees and private contractors, to ensure that Federal employees are given fair consideration for work to be performed for the Department of Defense.

The conferees also included the Acquisition Improvement and Account-

ability Act of 2007 in the conference report. These provisions would improve the management and oversight of the DOD acquisition programs, and, specifically, would: Require the private security contractors operating on the battlefield in Iraq and Afghanistan to comply with DOD regulations and rules on the use of force, as well as orders and directives from combatant commanders regarding force protection, security, health, safety, and interaction with local nationals; establish a Commission on Wartime Contracting in Iraq and Afghanistan to study and investigate Federal agency contracting for reconstruction, logistics support, and security functions in those countries, and make recommendations as to how contracting processes could be improved in the future; establish a defense acquisition workforce development fund to provide a minimum of \$300 million in fiscal year 2008, and increasing amounts thereafter, to ensure that the DOD has the people and the skills needed to effectively manage the DOD's contracts; strengthen statutory protections for contractor employees who blow the whistle on waste, fraud and abuse on DOD contracts by providing, for the first time, a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests; and tighten the rules for DOD acquisition of major weapon systems and subsystems, components and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

The conference report also includes a provision that would build new flexibility into specialty metals requirements to ensure that the DOD can acquire the weapon systems needed by our men and women in uniform. In particular, the provision contains four new exceptions to the specialty metals requirements: a new exemption for commercial, off-the-shelf items; a new de minimis exception for items that contain relatively small amounts, less than 2 percent by weight, of non-compliant material; a new national security exception for items that are needed by our warfighters; and a new "market basket" exception for dual-use items. The exceptions for commercial, off-the-shelf items and de minimis amounts of non-compliant material are particularly important, because they apply to purchases by the Department and by defense contractors and subcontractors at any tier, regardless of whether the items acquired are systems, subsystems, assemblies, sub-assemblies, or components. Because commercial items such as engines and generators are built almost exclusively out of commercial, off-the-shelf components, and any military-unique components are likely to constitute less than 2 percent of the specialty metals included in the final product, they too can now be purchased by DOD and its

contractors without the cumbersome need for a waiver.

In addition, the provision would eliminate the Anti-Deficiency Act as an enforcement mechanism for specialty metals requirements, ensuring that noncompliance can now be treated as a routine contract violation, subject to appropriate contractual penalties, and not as a potential criminal offense that precludes the acceptance of a product. Taken together, these changes should reduce the inordinate amount of time and effort that the Department has had to spend over the last 2 years trying to enforce compliance down to the component level on major weapon systems.

The conference report also included a number of other noteworthy provisions, including: Requiring a report on Pakistan's efforts to eliminate safe havens for violent extremists on its territory and to prevent cross border incursions by those extremists into Afghanistan; renewing authority for the Special Operations Command to provide support to foreign forces, groups or individuals who are supporting or facilitating ongoing military operations by U.S. special operations forces; and expanding the Iraqi Special Immigrant Visa program and creating a priority 2 refugee category for those Iraqis who have provided assistance to the United States and for certain highly vulnerable Iraqi religious minorities.

In the area of nonproliferation and cooperative threat reduction, the conference report: authorized an increase of \$230 million to the amount requested for the Department of Energy nonproliferation programs; authorized an increase of \$80 million for the DOD's Cooperative Threat Reduction, CTR, Program; and expanded the CTR program to countries outside of the former Soviet Union and adopted provisions that would repeal all of the required annual certifications.

The conference report also authorized \$9.8 billion for ballistic missile defense, a net reduction of \$597 million below the budget request. The conference continued to focus on effective near term capabilities against existing short and medium range threats by authorizing an additional \$120 million for such systems. Further, the conferees authorized provisions to improve the budgeting, acquisition, and oversight of missile defense programs, and to limit the use of funds for construction and deployment activities for the proposed European missile defense deployment until the governments of Poland and the Czech Republic give final approval of any bilateral deployment agreements negotiated with the United States, and Congress receives an independent assessment of options for missile defense in Europe.

I ask unanimous consent to print in the RECORD the list of staff members of the Armed Services Committee to which I earlier referred.

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

STAFF MEMBERS OF THE SENATE ARMED SERVICES COMMITTEE

Borawski, June M.; Brewer, Leah C.; Bryan, Joseph M.; Caniano, William M.; Carrillo, Pablo E.; Clark, Jonathan D.; Cohen, Ilona R.; Collins, David G.; Cork, Fletcher L.; Cowart, Christine E.; Cox, Jr., Daniel J.; Creedon, Madelyn R.; Cronin, Kevin A.; DeBobes, Richard D.; Dickinson, Marie Fabrizio; Eisen, Gabriella; Farkas, Evelyn N.; Fieldhouse, Richard W.; Forbes, Diana Tabler; Greene, Creighton.

Howard, Gary J.; Hutton, IV, Paul C.; Jacobson, Mark R.; Kiley, Gregory T.; Kingston, Jessica L.; Kostiw, Michael V.; Kuiken, Michael J.; Leeling, Gerald J.; Levine, Peter K.; Maurer, Derek J.; McConnell, Thomas K.; McCord, Michael J.; Monahan, William G.P.; Morriss, David M.; Niemeyer, Lucian L.; Noblet, Michael J.; Parker, Bryan D.; Pasha, Ali Z.; Paul, Christopher J.; Pearson, Cindy; Pollock, David.

Quirk V, John H.; Rubin, Benjamin L.; Rusten, Lynn F.; Sebold, Brian F.; Seraphin, Arun A.; Smith, Travis E.; Soofer, Robert M.; Stackley, Sean G.; Svinicki, Kristine L.; Sutey, William K.; Wagner, Mary Louise; Walsh, Richard F.; Wells, Breon N.; White, Dana W.

• **Mr. MCCAIN.** Madam President, I sincerely congratulate Chairman LEVIN, the members of our committee, and our House colleagues for their work on the conference report to accompany the fiscal year 2008 National Defense Authorization Act. With provisions that authorize a considerable pay raise for all military personnel, increase Army and Marine end-strength, reform the system that serves wounded veterans, and help prevent waste, fraud, and abuse in defense contracting and procurement, this conference report undoubtedly contains many important elements that will help support our national defense and, in particular, our servicemen and women. However, this conference report also contains other provisions that are very problematic. In fact, so flawed are those provisions that, despite all that is good in the conference report—and there is much—I must—cannot support this year's report.

In this year's conference report, and the accompanying bill, there are \$5.3 billion in earmarks. That does not even include about \$330 million worth of military construction pork "airdropped" by the House Appropriators despite having enacted ethics reform legislation just 2 months ago. Of that \$5.3 billion, \$2.3 billion came from the Senate and \$4.1 billion originated in the House. The disparity between the two bills is unprecedented.

Almost half of the total amount of pork in this conference report, and the accompanying bill, arises from a single provision that authorizes the procurement of eight C-17 Globemaster aircraft that the Defense Department states we neither need nor can afford. I should also note that this conference report stripped out an important amendment that called for all congressionally directed spending on new programs and grants to be subject to full and open competition. In my view, the massive pork spending in this conference report renders it a frontal as-

sault on this body's purported commitment to ethics and earmark reform and, in my view, results in an inexcusable failure in our obligation to the taxpayer.

The conference report also contains troubling provisions that will likely fail to cure abuses in multiyear contracting, possibly weaken the ability of the Department of Defense to waive protectionist restrictions on the purchase of weapon systems containing specialty metals, and allow the Air Force to precipitously retire fully-capable aircraft just so it can buy new ones. Therefore, while many elements in this conference report are undoubtedly helpful, I regrettably cannot sign it.

Clearly, the most egregious single item in this report is a provision that authorizes the Air Force \$2.28 billion to buy eight C-17 Globemaster aircraft. I note that the dollar amount associated with this one provision, which originated in the House, nearly equals the total amount of earmarks in this bill that arose from the entire Senate side.

This provision is particularly problematic given that the Secretary of Defense has consistently maintained that the Defense Department met its strategic airlift requirements with the final purchase of C-17 aircraft authorized by the 2007 National Defense Authorization Act and, therefore, simply does not need any more C-17 aircraft. In fact, during deliberations with the conferees, the Defense Department conveyed concern that continuing the C-17 production line would compete with the Department's number one priority for strategic airlift, the recapitalization of the aerial refueling tanker fleet. Reflecting that view, the President's Budget Request for fiscal year 2008 included no funding for additional C-17 aircraft and, as it did last year, asked for money to begin shutting down the C-17 production line.

In 2007, Congress allowed the Air Force to buy 10 C-17 aircraft above what it actually needed. This year, in their collective wisdom, the conferees have seen it fit to repeat that multibillion dollar mistake by providing for a follow-on purchase, in the face of the administration's admonitions. At the end of the day, this provision does little else than subsidize the continuation of the contractor's C-17 production line, which is nearing its end—a corporate handout at its worst.

I am particularly concerned about this provision given that I have uncovered compelling evidence of possible wrongdoing in the Air Force's interaction with the contractor on the C-17 matter. That evidence points to a disturbing level of effort—undertaken jointly by the Air Force and the contractor—to undermine the current program-of-record and support a procurement proposal for which there is no validated requirement and which is not reflected in either the President's Budget Request or even the Air Force's own Future Years Defense Program,

FYDP. In its rank aggressiveness, the evidence I found, and referred to the appropriate authorities for further review, is not unlike some of what I observed in the Boeing tanker lease scandal. From those authorities, I understand that a review is pending. When faced with similar circumstances concerning the Boeing tanker matter, we suspended procurement activities until all related investigations were concluded. Prudence requires that, at a minimum, we do the same here.

This conference report also includes authorization for 52 new military construction projects totaling \$328 million requested by individual Members of the House that were not vetted or included in either the House- or the Senate-passed National Defense authorization bills for fiscal year 2008. On October 30, 2007, the House Appropriations Military Construction/Veterans Affairs Subcommittee slipped this bloated earmark list to the House Armed Services Committee with no public review or semblance of transparency. And, in order to maintain comity with the appropriators, the majority of defense bill conferees, over my objections, decided to insert the authorizations into our conference report. Not only is this a classic example of "parachuting" or "airdropping" earmarks into a conference report in the dead of night, which we ostensibly sought to stop with the enactment of a new ethics law two months ago, it is also an abrogation of our role as authorizers to fully vet each new matter we consider—rather than blindly accept what the appropriators tell us. Despite the rhetoric of a "new day" for accountability, allowing such practices reflects that there is no transparency in this process. Regrettably, the conferees appear content to hide behind parliamentary tricks and mental gymnastics while knowing full well the spirit and intent of the reform we sought to achieve earlier this year. Saying that over \$300 million in pork construction projects can be added in conference means that there is essentially no limit on how much a program or a project can balloon during conference. This is a "hog call" if I've ever heard one.

Senate amendment 828 to the Senate-passed Bill applied Federal competitive bidding laws and regulations to congressional earmarks. Rather modest in what it sought to do, that provision would not have prohibited Members of Congress from earmarking defense dollars. Instead, it simply would have ensured that taxpayers received the advantage of a competitive process. Under that provision, a Member of Congress in either body would have retained the prerogative to fund an activity that he deems worthy, but a full and open competitive process would be used to select the most qualified entity to undertake the project. If an activity is important enough to require earmarking of taxpayers dollars, that legislative proposal would simply have required transparency and full and open

competition. Moreover, waiver authority was built into the provision to allow the Department reasonable flexibility in its implementation. In my view, that important provision should have been included in this conference report.

The provision that I originally offered as an amendment to the Senate version of the bill clarified how much savings would be required to achieve under a multiyear contract before Congress could authorize that procurement mechanism to buy the largest and most expensive weapon systems. That clarification was important to help the Defense Department use multiyear contracts responsibly to capitalize on mature, well-run programs by buying at economically efficient rates—not to insulate poorly performing systems from effective congressional oversight. While the multiyear contracting provision in the conference report is helpful, it contains language that allows the Department to waive its stringent requirements in a way that eviscerates the provision's underlying intent. In other words, the waiver provision appears to create a loophole through which the Department can keep chronically poorly performing programs "on rails" and away from meaningful congressional oversight.

For some time now, I have been concerned about how the Air Force, in particular, has been creating requirements for procuring new aircraft by precipitously retiring older but reliable, platforms to bulk up buys of new aircraft platforms. This has required this committee to legislatively prohibit, in previous authorization bills, the retirement of KC-135s, B-52s, C-5s, U-2s and C-130s. In this year's conference report, we have unwisely relieved at least a couple of those restrictions.

The Air Force's number one acquisition priority is to replace its aged KC-135 fleet of tanker aircraft. The Air Force's original attempt to replace that fleet led to the now infamous Boeing tanker lease scandal, which resulted in jail-time for a top Air Force procurement official and Boeing's chief operating officer.

This time, the Air Force intends to implement a "comprehensive" tanker replacement strategy, one component of which is the purchase of a new, commercial-derivative tanker. On that component, two contractor teams have submitted offers responding to a request for proposals, which the Air Force is now reviewing. A contract may be awarded as soon as late February 2008. Unfortunately, on the other two components of the strategy—implementing a complementary commercial fee-for-service program and re-engining some of its older KC-135s—the Air Force has made no serious headway. Against that backdrop, I remain concerned that the Air Force may simply maximize its desired purchase of new planes. Several studies conducted by both the Air Force and independent groups indicate that the current KC-

135 fleet is viable for the intermediate term. Given that taxpayers have made a significant investment in the KC-135 fleet, the Air Force should not be permitted to precipitously retire them simply because it wants to buy as many new tanker aircraft as possible.

The "Air Force Fleet Viability Board, KC-135 Assessment Report" cautioned that, before retiring KC-135s, the Air Force needs to conduct destructive testing so it can proceed on an informed basis. However, the Air Force has not complied with that recommendation. Nonetheless, section 135 of this conference report allows the Secretary of the Air Force to retire immediately 48 KC-135E tanker aircraft. It also allows the Air Force to start retiring the remaining 37 KC-135E during fiscal year 08 after contract award for the KC-X tanker replacement aircraft. Once again, without reasonably restricting the Air Force's retirement of KC-135s, we may have lost the ability to ensure that the Air Force does not replace its current fleet of tanker aircraft by simply maximizing its purchase of commercial-derivative aircraft a solution that simply disregards the interests of the taxpayer.

A provision on the retirement of C-130 airlift aircraft is similarly improvident. That provision, section 133, would repeal the requirement in the fiscal year 2007 National Defense Authorization Act that any C-130E aircraft retired in fiscal year 2007 be maintained in a condition that would allow recall of the aircraft to active service. Another provision, section 134, would allow for the retirement of 29 more C-130E aircraft in fiscal year 2008.

Without the Department's requirements for tactical airlift capability well-defined, it would be premature to retire any C-130 aircraft, at least until: (1) an Air Force Fleet Viability Board has conducted an assessment of the C-130E/H fleet of aircraft; and (2) the results of the Intra-Theater Lift Capability Study, ITLCS, phases 1 and 2, identify the right mix and number of intra-theater airlift assets. Therefore, I believe that we should not retire any more C-130 aircraft until the Department determines what its intra-theater lift requirements are and that aircraft already should not be stripped for parts or destroyed until we have the results of the requirements analysis.

This conference report also contains several policy provisions that weakens the broad waiver authority that the Department of Defense currently has with regard to weapon systems that contain specialty metals. For a long time, I have tried to lessen the impact of, if not entirely eliminate, "buy America" restrictions, including the Berry amendment, in Defense Department purchases. Legislation restricting the Department's purchases along those lines tend to direct spending for the benefit of a particular entity or congressional district. So, I am concerned that, with the specialty metals/"buy America" policy provisions con-

tained in this conference report, we may have further opened the door for more pork legislation in the future. Finally, as those policy provisions were not in either the Senate- or the House-passed defense bills, I question whether those provisions should have been added in conference.

Another objectionable provision in the conference report would establish a policy that future major combatant ships be nuclear-powered, regardless of requirements, cost, or other considerations that go into selecting a new ship class propulsion system. The Secretary of Defense could only seek a waiver of this requirement if he determines that nuclear propulsion for a future ship is not in the national interest. If the next cruiser class, CG(X), is required to be nuclear-powered as a result of this policy, its cost will increase by greater than \$1 billion and the ship will be delayed several years. The result would be significantly increased cost, fewer ships, and delays in fielding the next major surface combatant class of ships. At a time when the Secretary of the Navy is doing all he can to reform how the Navy goes about buying its biggest and most expensive weapon systems, this provision is a move in the wrong direction.

The conference report also includes a provision that sets a very dangerous precedent by in effect forcing the Department to take action for the benefit of certain Members of Congress. Section 2846, entitled "Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan", mandates that the Department of Defense spend funds from an account that has historically been guided by an objective assessment of the risk to human health. This provision requires the Corps of Engineers to clean up a site to a higher standard than the Army deems necessary in Grosse Ile, Michigan, so the property can be used as a wildlife refuge. Let me be clear: I have nothing against refuges. But, the Department of Defense has over 9,900 properties evaluated as Formerly Used Defense Sites, FUDS, and must conduct cleanup projects at more than 3,000 of them. The FUDS program costs the Department over \$250 million a year and is expected to cost the Department \$18.7 billion when all said and done.

We simply cannot afford allowing individual Members of Congress to move their pet projects to the top of the priority list, completely disregarding the risk to health and safety of other more vital projects. Clean-up should be based on the priority of risk, not political muscle.

There was another conference decision which I believe may be very detrimental to our role as an authorizing committee. Senate-passed bill, Senate section 2811, "General Military Construction Transfer Authority," was intended to extend to military construction accounts the current congressional review process for requests from

the Department of Defense for the reprogramming of funds between accounts. Currently, for every funding account except military construction, the Secretary of Defense notifies all four defense committees of his intent to transfer funds from one account to another during the year to better manage obligations. However, for military construction accounts, the Secretary sends a notification only to the House and Senate subcommittee on Military Construction and Veterans Affairs. The Senate provision sought to extend that oversight responsibility to our conferees on the House and Senate Armed Services Committees. That was a good provision. It was included in our Senate markup without question and was agreed to by both the House and Senate staffs during conference.

However, at the last moment during conference deliberations, members from the House Appropriations Committee persuaded my fellow conference leaders to drop the provision for no substantive reason, other than it would diminish the power of the appropriators. This capitulation is very troubling. The provision was written in response to recent actions by the Appropriations subcommittees that either held up military construction reprogramming requests based on parochial interests or approved reprogramming requests over the objections of this committee's staff. In particular, we were concerned by the proposal made by the Air Force to the Committees on Appropriations in January 2007 to use the existing reprogramming process to carry out a "new start" military construction project that had not been authorized by law—a clear challenge to the role of the authorizing committees over new start military construction.

The committee was also concerned that the appropriators in both bodies approved a reprogramming in July 2007 for a military construction project for which no funds were appropriated in fiscal year 2007, as a favor to a particular Member—disregarding the policy implications of the action. Also, earlier this year, the Senate appropriators held up approval of two reprogramming requests for projects in Virginia in order to force the Department to act on other reprogramming requests. If this committee had equal authority, we would have the ability to prevent such shamelessly parochial and institutionally divisive behavior. Senate section 2811 would have put an end to such activity between the appropriators and authorizers by establishing equal footing with regard to reprogramming requests on military construction projects. I am at a complete loss why it was dropped from our conference agreement.

Again, while there is much in this year's conference report that is very worthwhile and helpful to helping provide for the national defense, the elements contained within it that move in the wrong direction are too numerous,

too large, and too costly for any Member to ignore. With those elements in this conference report, I simply cannot in good conscience tell the American people that this is our best—that this conference report represents our best vision for the country on matters that relate to, or affect, our servicemen and women and how we secure our national security interests abroad. By declining to sign this conference report today, I respectfully convey to the chairman and my fellow conferees my belief that we can, and for the sake of both the warfighter and taxpayer, we must do better.●

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I rise today to thank my colleagues, both in the House and Senate, for their tremendous bipartisan work on the fiscal year 2008 national defense authorization bill.

The Congress has passed the national defense authorization bill every year since 1959, and I have had the great privilege to have had a hand in this annual piece of legislation each of my 29 years in the Senate.

This bill accomplishes the following: supports our troops deployed in harm's way; bolsters the readiness of our Armed Forces; reforms the acquisition practices of the Department of Defense; addresses the problems in military medical care uncovered at Walter Reed and elsewhere; provides needed equipment to protect our deployed forces; and strengthens the quality of life of our soldiers, sailors, airmen, and marines, and their families.

To care for those who serve in uniform, their families, and retired veterans, this legislation authorizes \$696.4 billion which includes the base budget for fiscal year 2008—\$507 billion—and the President's emergency supplemental requests for Iraq, Afghanistan, and the global war on terrorism—\$189 billion—made in February, July, and October.

It authorizes a 3.5 percent across-the-board pay raise for all uniformed service personnel.

It continues the authorization to pay over 25 separate bonuses and special pay critical to successful recruiting and retention.

It authorizes fiscal year 2008 end strengths for the Army and Marine Corps of 525,400 and 189,000 respectively, which is an increase of 13,000 for the Army and 9,000 for the Marine Corps.

It includes the Wounded Warrior Act, which will improve health care and benefits for recovering veterans, recovering servicemembers and their families, and begin the process of reform of the Department of Defense, DOD, and Department of Veterans Affairs, VA, disability evaluation systems.

It requires DOD and Veterans Affairs to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers in an outpatient status.

It authorizes payment of combat-related special compensation to servicemembers medically retired for a combat-related disability. Payment is equal to the amount of retired pay forfeited because of the prohibition on concurrent receipt of military retired pay and VA disability compensation.

It reduces below age 60 the age at which a member of a Reserve component may draw retirement pay by 3 months for every aggregate 90 days' service on active duty under certain mobilization authorities.

It guarantees combat veterans mental health evaluations within 30 days of their request.

It includes several provisions to continue to provide best quality health care to servicemembers and their families and provisions that would enhance the ability of the services to attract health care personnel.

It guarantees combat veterans mental health evaluations within 30 days of their request.

To ensure that servicemembers serving in Iraq and Afghanistan are properly equipped, this legislation adds over \$17 billion for mine resistant ambush protected—MRAP—vehicles that improve protection for our troops exposed to the improvised explosive device, IED, threat in Iraq and Afghanistan.

It funds over \$4 billion for the Joint Improvised Explosive Device Defeat Office, JIEDDO.

It authorizes funds to procure ammunition, modernize ammunition plants, and protect and enhance military training ranges.

To meet current and future threats to our country's national security, this bill requires the DOD to develop a competitive engine program for the Joint Strike Fighter and authorized \$480 million for this purpose.

It authorizes more than \$13 billion for Navy shipbuilding.

It provides multiyear procurement authority for fiscal years 2009 through 2013 Virginia-class submarines, and adding \$588 million in advance procurement funding to support buying an additional submarine in 2010.

It adds \$51 million to the budget request to provide increased space situational awareness capabilities to address concerns raised as a result of the recent Chinese kinetic antisatellite weapons test.

It authorizes \$220.4 billion to meet the operation and maintenance requirements of the services to support combat operations and improve the readiness of deploying and non-deploying forces.

To ensure for the effective oversight of Department of Defense contracts, contractors, and acquisition workforce, this legislation requires private security contractors operating on the battlefield in Iraq and Afghanistan to comply with DOD regulations and rules on the use of force, as well as orders and directives from combatant commanders regarding force protection, security, health, safety, and interaction with local nationals.

It establishes a Commission on War-time Contracting in Iraq and Afghanistan to study and investigate Federal agency contracting for reconstruction, logistics support, and security functions in those countries, and make recommendations as to how contracting processes could be improved in the future.

It strengthens oversight of reconstruction activities in Afghanistan by establishing a Special Inspector General for Afghanistan Reconstruction, modeled after the Special Inspector General for Iraq Reconstruction.

It includes the Acquisition Improvement and Accountability Act of 2007, which would improve the management and oversight of DOD acquisition programs.

It strengthens statutory protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts by providing, for the first time, a private right of action in Federal court for contractor employees who are subject to reprisal for their efforts to protect the taxpayers' interests.

To recognize the responsibilities and enhance the role of the National Guard, this legislation includes the National Guard Empowerment Act which authorizes promotion of the Chief of the National Guard Bureau to the rank of four-star general and recognizes the responsibilities and enhanced role of the National Guard.

Finally, to ensure the effective security and remediation of Department of Energy sites, this act supports enhanced security at Department of Energy, DOE, nuclear sites and the development of new technology to promote environmental cleanup of DOE sites.

Madam President, this important bill will maintain our readiness and support the military's transformation to meet the 21st century's threats. I urge my colleagues to support this crucial legislation.

Madam President, I direct persons to the committee report, the National Defense Authorization Act for fiscal year 2008. On page 334 there appears a provision, section 1079, entitled: "Communications with the Committees On Armed Services of the Senate and the House of Representatives." I will read a part of it to familiarize people:

The Director of the National Counterterrorism Center, the director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives—

The Senate and the House provide certain information.

I worked with this provision at the time it was framed in our committee, and I want to say for the record that it was never intended, nor do I personally find any wording in this amendment, which would include the daily brief provided to the President of the United

States. That is the exclusive property under executive privilege of the President.

Madam President, I wish to add on that list on the Wounded Warrior Senator WEBB, who took a very active role in that.

Our respective leaders have asked us to keep this debate limited as best we can. I know of only one speaker on my side who is seeking 5 minutes. I think our distinguished chairman covered the matter very carefully as he always does.

It has been a privilege for me to participate in the preparation of this conference report and to work on the other committee matters throughout the year. As the chairman said, Senator MCCAIN is on a mission, a mission I happen to support strongly. I am happy to work with Senator LEVIN instead of Senator MCCAIN. His chief of staff, seated next to me, Mike Kostiw, and I were in constant contact with him, and in every way Senator MCCAIN had hands on in the affairs of the committee this year as ranking member in the preparation of this report.

Senator MCCAIN and I have known each other ever since I was Secretary of the Navy. He was then in the prison camps. Shortly thereafter, when he joyously returned home to a nation that welcomed him with open heart, we have been friends ever since. It was quite logical for him to ask me to work in his stead. This is the 29th year Senator LEVIN and I have occupied these two chairs. Particularly the last 17 years, either I have been chairman or he has been chairman or ranking member of the committee. Our partnership is rather extraordinary. I anticipate he will maintain and continue that strong effort to make this committee what it is, nonpartisan in its function, in large measure, with Senator MCCAIN after my departure a year hence.

Again, I salute my good friend for his leadership as chairman this year. He is always open to me and other members of the Republican side of the committee to entertain their views very fairly and objectively, thoroughly. And together with our superb professional staff, we have managed to put together a very commendable bill for the Senate and now this conference report for the whole of the Congress.

Having said that, I join in his recognition of IKE SKELTON and DUNCAN HUNTER, the two partners we have worked with for many years on the House side. This was his first year as chairman for Congressman SKELTON. We worked in the final stages of the preparation of this bill, the four of us, on many key issues to resolve differences between the House and Senate. IKE SKELTON is an extraordinary leader. He has been on that committee many years and has been about as long as we have in the Congress. We are fortunate to have his services, as we do the services of Senator LEVIN.

I yield the floor. The chairman may wish to recognize a speaker on his side.

Then I will recognize a speaker on our side.

Mr. LEVIN. Madam President, before I yield time to Senator MURRAY, let me all too briefly thank my friend from Virginia. I treasure this relationship. It has been extraordinarily meaningful to me and important to me and our wives. We still have a year and a few months to go and we will make fullest use of all that time. In the meantime, let me extend my thanks to him and my appreciation for the friendship and support he has always provided, not just to me but to every Member of the Senate.

Mr. WARNER. Madam President, I thank my good friend. I wish to add our respective wives who have spent long hours waiting for us as we have traveled so many times in these almost 30 years to places all over the world together and left them at home, and many nights late here. They have been a good team to support both of us.

Mr. LEVIN. Indeed, they have.

I thank the Senator for those comments, and I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator from Michigan and the Senator from Virginia for their tremendous work on this legislation.

I am glad we are considering this bill. And I have come to the floor today to highlight a section of this legislation that's especially important to me because it will make a huge difference in the lives of our servicemembers and veterans—the Wounded Warriors Act.

The Wounded Warriors Act has already passed the Senate once on its own. To ensure it passed Congress this year, it was added to this Defense bill, too. It is taken longer than I had hoped to get to this point. But today, I'm optimistic that we can pass this bill, and get these much-needed improvements to our troops and our veterans soon. This is a major step toward real change.

I want to talk about how we got to this point, and why this bill is so necessary. This February, the Washington Post stunned us all with a series of articles on the squalid conditions some of our servicemembers were living in at Walter Reed Army Medical Center.

The articles described infestations of mice and cockroaches in some Walter Reed facilities. They described moldy walls, and broken ceilings in the rooms servicemembers were living in while they waited to get care. And the articles described how many of our servicemembers and their families feel trapped in a bureaucratic "Catch-22," while they try for months to work out their disability ratings.

I am proud that Democrats led a bipartisan effort in the Senate to address these problems aggressively. The Wounded Warriors legislation we have now is the result of a historic partnership between two of our committees—the Veterans' Affairs Committee,

chaired by Senator AKAKA, and the Armed Services Committee, chaired by Senator LEVIN. I want to thank both Senators for their leadership on this.

Together, we convened hearings, reached across the aisle, and crafted legislation that will make sure that the men and women who have served our country so honorably get the care they deserve when they come home.

The more we dug for information, the more we learned about the huge problems we need to address. Last winter, when I visited Walter Reed with our majority leader and other members of the Leadership team, the servicemembers we talked to weren't just frustrated with their living conditions. They had reached the end of their patience trying to navigate a disability system, which made absolutely no sense to them—or to us.

And the problem was not limited to servicemembers at Walter Reed. I went home and met with servicemembers in medical hold in Washington State—more than 200 people showed up. They, too, were angry and frustrated with their situation. They told me story after story about how they had to struggle to get their disability ratings and fight for the care they needed.

It was clear from these meetings that the Defense Department and the VA don't have a joint strategy for caring for servicemembers and veterans, and that they use inconsistent ratings for disabilities. Their paperwork doesn't even match. How you're rated as disabled by the military is completely different than how you're rated by the VA.

The result is that our servicemembers get caught in the middle. They get lost in the bureaucracy, while trying to get the treatment they need to recover. Too often, our injured servicemembers are the ones trying to figure out how to work out the transition. It's frustrating, and it's completely unacceptable.

Other servicemembers told us that they have had to struggle to get the right diagnosis for their injuries. Our military has long known about the mental wounds that can be caused by war. But many servicemembers still said they got little or no help to cope with mental illness.

I talked to men and women who said they knew something was wrong. They felt different. And they forgot little things—basic things. They described not being able to find their keys after they put them down. They couldn't remember their kids' birthdays. They couldn't even remember what they'd done the year—or even the day—before.

One young man from a rural community in my home State of Washington said he came home and felt isolated, unable to talk to his childhood friends. He was 22, but he couldn't remember what he'd learned in school just a few years ago. He said he didn't know who he was any more, and he eventually tried to take his own life.

That young man had a traumatic brain injury. He had been around not

one—not five—not 20—but more than 100 explosions while he was on the ground in Iraq. Even so, he wasn't screened for TBI when he was discharged. No one asked how he was doing. And no one followed up when he got home to ask how he was adjusting to civilian life.

This should not happen to any of our servicemembers who have served us honorably. Yet that young man's experience is all too common.

As a result of our investigation, Democrats said, "No more." It's simply unacceptable that after fighting for our country, our servicemembers have had to return and fight against our government for the care they deserve.

By passing the Wounded Warriors Act, we are moving aggressively to make sure that these men and women are treated well when they come home. The Wounded Warriors Act lays out a clear path directing the Defense Department and the VA to address shortfalls in the care of our wounded warriors.

It requires the Defense Department and VA to work together to develop a comprehensive plan to prevent, treat and diagnose TBI and PTSD. It creates DOD centers of excellence for TBI and PTSD to improve our understanding of these devastating injuries. It directs the two agencies to develop a joint electronic health record so that critical medical files aren't lost as our wounded troops move from battlefield doctors, to medicals holds, and on to the VA.

The act requires the military and the VA to work together on disability ratings. This is the first step toward bridging the gap between the VA and the Defense Department. And it requires the military to adopt the VA presumption that a disease or an injury is service-connected when our heroes—who were healthy prior to service—have spent 6 months or more on active duty.

The bill also addresses many of the horrifying conditions that our troops found themselves in at Walter Reed and other facilities. It ensures our servicemembers get adequate severance pay. And it can provide medical care for the families of recovering servicemembers.

In addition to the Wounded Warriors Act, the Defense Authorization bill includes important provisions passed by the Senate Veterans' Affairs Committee aimed at improving care for servicemembers once they reach the VA system.

As you know, my colleagues on the Committee and I have worked hard to get these improvements in place, so I want to take a moment to mention them as well.

Under this bill we will require that an initial mental health evaluation be provided to veterans or returning servicemembers no more than 30 days after they ask for one. We will extend the period of eligibility for VA health care for combat veterans of the Persian

Gulf War and future conflicts. That time period will increase from 2 years to 5 years after discharge or release. And we'll ensure improvements to the quality of care for veterans with TBI by requiring age-appropriate nursing care, and plans to help servicemembers recover and transition back into civilian life.

While this bill is an important step toward providing our wounded warriors with the level of care they deserve and have earned, it's by no means the last step. Much work remains to be done by the DOD and the VA. We in Congress will have to keep a close watch to make sure the Defense Department and the VA are meeting the goals we've set out here.

And as a member of the Senate Veterans' Affairs Committee and the Defense Appropriations Subcommittee, I can assure you that I will be doing just that.

I voted against going to war in Iraq. But I've said consistently that no matter how you feel about the war, we have an obligation as leaders to make sure that our men and women who fight for us get the care they deserve. I'm particularly proud of the way Democrats moved to address the problems facing our returning servicemembers, which clearly wasn't a priority for the Bush Administration.

Democrats said: "Not on our watch. Not any more."

The Wounded Warrior bill provides real solutions for our troops and veterans from the battlefield to the VA and everywhere in between. Our servicemembers have always answered the call of duty, but for too long, our Government has not answered theirs. I'm proud to say those days are over. This bill is part of that commitment. Let's pass it today, so we can get started on these improvements and provide the kind of care our servicemembers and veterans deserve. As I said at the beginning of this speech, this is a major step toward real change for our troops.

NOMINATION OF GENERAL JAMES PEAKE

While I have the floor, Madam President, I also want to take a minute to say a few words about the nomination of GEN James Peake to be the next Secretary of the Department of Veterans Affairs.

On Thursday, I joined with my colleagues on the committee and voted in favor of his nomination. As we all know, there has been a vacuum at the head of the VA for years now, and for the reasons I have already laid out today, we need someone strong to lead this agency as we work to change course there. I do not think we ought to dwell on the mistakes of the past. I believe we do have to learn from them.

At his confirmation hearing, General Peake pledged to stand up and put the needs of veterans above the political needs of the White House. He can guarantee that I am going to hold him to his word because we owe our troops nothing less.

After fighting for their country, too many have had to fight against their Government to get the care and benefits they have earned. They have had to contend with bureaucratic ineptitude, a massive claims backlog, and wait times—just to name a few of the many problems at the VA.

While I believe we shouldn't dwell on the mistakes of the past, I believe we must learn from them. And I expect General Peake to learn from the VA's past failures.

The veterans of this country deserve a Secretary who is an honest and independent advocate for them—not an apologist for failed administration policies. Yet one of the biggest mistakes made by General Peake's predecessor was his blind political allegiance to the President—at the expense of the veterans he was supposed to serve.

In his confirmation hearing, General Peake pledged to stand up for the needs of veterans above the political needs of the White House. As a senior member of the Senate Veterans' Affairs Committee and the MilCon-VA Appropriations Subcommittee, he can guarantee that I will hold him to his word.

General Peake will be taking the reins at a critical time in the agency's history. Many challenges lie in his path—from the enormous task of streamlining and improving the military and veterans disability systems, to implementing a joint electronic medical record; and from reducing wait times for benefits, to caring for the large number of returning veterans with post-traumatic stress disorder and traumatic brain injury.

These challenges require innovative solutions. They require a Secretary who will roll up his sleeves and get to work. And they require strong leadership. It will require action. And it will require results. General Peake promised to do just that. We must all hold him accountable—I know I will. If he fails to change the direction of this agency, he will have to answer for it.

But I also pledge to work with him to get this right and put our veterans first. We have a true opportunity to change course at the VA. But the clock is ticking. With our troops fighting overseas and older veterans accessing the VA in greater numbers, we are facing unprecedented challenges.

As they say at the VA in my home State, "business as usual" isn't an option. And I am hopeful that General Peake won't accept "business as usual" either. I am hopeful that he will make sure we keep our promises to the heroes who risked everything for our safety because we owe them nothing less.

Madam President, I again thank the Senator from Michigan and the Senator from Virginia for their tremendous leadership in making sure our troops get all they need and, in particular, for the Wounded Warriors Act, which will be historic when it gets passed and signed into law and we can turn around to the men and women

who served us so well and say: We are working with you, not against you.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent to have printed in the RECORD, in a slightly different form, a list of the staff—professional staff and several personal staff—on my side who have helped in the preparation of the Senate bill and the preparation of the conference report. While there is some redundancy, I think the RECORD should reflect my specific appreciation to these many people who make it possible for the chairman and ranking member to prepare these bills and then the reports. So I have infinite respect and gratitude for each of them.

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

MINORITY STAFF SENATE ARMED SERVICES COMMITTEE

Republican Staff Director: Michael V. Kostiwa.

Assistant to Staff Director: William M. Caniano.

Executive Officer: Christopher J. Paul.

Administrative Assistant for the Minority: Marie Fabrizio Dickinson.

Minority Counsel: David M. Morriss, Richard F. Walsh, Derek J. Maurer.

Investigative Counsel: Pablo E. Carrillo, Bryan D. Parker.

Professional Staff Members: William M. Caniano, Gregory T. Kiley, Lucian L. Niemeyer, Christopher J. Paul, Lynn F. Rusten, Robert M. Soofer, Sean G. Stackley, Kristine L. Svinicki, Diana G. Tabler, and Dana W. White.

Research Assistants: David G. Collins, Paul C. Hutton.

Subcommittee on Airland: Minority Professional Staff Members: Gregory T. Kiley (Lead), William M. Caniano.

Subcommittee on Emerging Threats and Capabilities: Minority Professional Staff Members: Lynn F. Rusten (Co-lead), Kristine L. Svinicki (Co-lead), William M. Caniano, Robert M. Soofer.

Subcommittee on Personnel: Minority Professional Staff Members: Richard F. Walsh (Co-lead & Counsel), Diana G. Tabler (Co-lead).

Subcommittee on Readiness and Management Support: Minority Professional Staff Members: Lucian L. Niemeyer (Lead), Bryan D. Parker (Counsel), Derek J. Maurer (Counsel).

Subcommittee on Seapower: Minority Professional Staff Members: Sean G. Stackley (Lead), Gregory T. Kiley.

Subcommittee on Strategic Forces: Minority Professional Staff Members: Robert M. Soofer (Lead), Kristine L. Svinicki, Gregory T. Kiley, Derek J. Mauer (Counsel).

Minority Professional Staff Members for:

Acquisition and Contracting Policy: Christopher J. Paul, Pablo E. Carrillo, Bryan D. Parker.

Arms Control and Non-proliferation: Lynn F. Rusten.

Army Programs: William M. Caniano.

Budget and Reprogramming: Gregory T. Kiley.

Chemical-Biological Defense: Robert M. Soofer.

Chemical-Demilitarization: Lynn F. Rusten.

Civilian Personnel: Diana G. Tabler.

Combatant Commands: AFRICOM: Lynn F. Rusten.

CENTCOM: William M. Caniano/Dana W. White.

EUCOM: Lynn F. Rusten.

JFCOM: Kristine L. Svinicki.

NORTHCOM: Robert M. Soofer.

PACOM: Lynn F. Rusten/Dana W. White.

SOCOM: William M. Caniano.

SOUTHCOM: William M. Caniano.

STRATCOM: Robert M. Soofer.

TRANSCOM: Sean G. Stackley, Gregory T. Kiley.

Counterdrug Programs: Lynn F. Rusten.

Defense Security Assistance: Lynn F. Rusten.

Depot Maintenance: Derek J. Mauret.

Detainees and Military Commissions: William M. Caniano, David M. Morriss, Christopher J. Paul, Pablo E. Carrillo.

Department of Energy National Security Programs: Kristine L. Svinicki.

Environmental Issues: David M. Morriss.

Export Controls: Lynn F. Rusten.

Health Care: Diana G. Tabler.

Homeland Defense: Robert M. Soofer.

Information Assurance and Cyber Security: Gregory T. Kiley.

Information Technology: Gregory T. Kiley, William M. Caniano.

Intelligence Programs: Derek J. Maurer, William M. Caniano.

Laboratories: Kristine L. Svinicki.

Military Construction and BRAC: Lucian L. Niemeyer.

Military Personnel and Family Benefits: Richard F. Walsh, Diana G. Tabler.

National Military Strategy: William M. Caniano.

Missile Defense: Robert M. Soofer.

Navy and Marine Corps Programs: Sean G. Stackley.

Nominations: Richard F. Walsh.

Oversight Investigations: Christopher J. Paul, Pablo E. Carrillo, Bryan D. Parker.

Readiness/Operations & Maintenance: Derek J. Maurer.

Science and Technology: Kristine L. Svinicki.

Space Programs: Robert M. Soofer.

Special Operations Forces: William M. Caniano.

Strategic and Tactical Aviation Programs: Gregory T. Kiley.

Test and Evaluation: Kristine L. Svinicki.

Personal Staff of Senator Warner: Sandy Luff, Sam Zega, Scott Suozzi, Jennifer Cave.

Mr. WARNER. Now, Madam President, on this side, we have the Senator from Oklahoma. I say to the Senator from Michigan, I understand, Mr. Chairman, the distinguished Republican leader, Mr. MCCONNELL, wishes to say a few words in support of the bill at the end.

Mr. LEVIN. As does the majority leader. If I could just introduce this thought: We have three additional Members, we believe, who wish to speak: Senator KENNEDY, Senator DURBIN, and Senator MCCASKILL. Those are the ones we have so far on this side.

Mr. WARNER. Perhaps, Madam President, we should have the Chair inform us as to the remainder of the time for each side.

The PRESIDING OFFICER. The chairman has 9½ minutes remaining, and the ranking member has 23 minutes remaining.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, let me thank both the chairman

of the committee and Senator WARNER, as well as Senator MCCAIN, for their work for the people who defend this country. I also would be remiss if I did not thank their staffs. They have been highly cooperative with my staff as we looked through several items.

This is a large bill. It is an important bill. I intend to vote for it. But I have some heartburn, and I want to spend a few minutes talking about it.

Last year, the Defense Department contracted out \$110 billion without the first competitive bid on either contracts or grants. When we considered this bill in this body, we approved a competitive bid amendment that would say: We are going to have competition for all of these. We have \$5.6 billion worth of earmarks in this bill, of which none are competitive; there is another \$12 billion of add-ons, of which none are competitive—just in what we have done.

There is a difference of opinion among a few of us with a vast majority of the others in terms of whether the President—whoever the administration is—gets to direct priorities versus us directing priorities. I understand that, and that is a fair debate.

Our position is that sometimes we know better. That may, in fact, be the case. But this body passed an amendment that said we are going to use competition on all these earmarks so that, in fact, the American people get value, they get a better product at a lower price. That, unfortunately, was taken out in conference. Senator MCCAIN wholeheartedly supported that amendment on this floor.

Now, why would we take that out? What is it that would say we don't want to get the best value for our taxpayers' dollars when it comes to \$100 billion worth of spending? Why is that? Why would we do that?

We had a very simple process. We said: If you have an earmark and it is something that needs to be done right now, all competitive requirements for that are waived. It does not apply to anything in the past. But for any new spending we earmark, we say: If it is not urgent or unique, then we ought to spread it out to find out how we get the best value for our money. We agreed to that. Then, when we got to conference, we did not hold it.

Why did we not hold it? Why is it we do not want to have the winner of competition of grants and contracts to be involved in getting better value for the American people? Could it be we want to protect someone? Could it be we do not want sunlight? The real answer is going to be that yesterday the Accountability and Transparency Web site that we passed went on line, and all of America is going to find out where all this money is going. On this Web site, it shows if it was a directed earmark without any competition whatsoever.

So why would we deny the American taxpayers now the ability to get far greater value than what they are going

to get because we want to direct something somewhere? If we truly think it is the best thing—and it is not urgent and it is not unique—and we want to say we want to do it, good and dandy, but why wouldn't we want to do it at the best value, at the best price for the American taxpayer? So we end up where the American taxpayer is going to lose about \$10 billion to \$15 billion this year through inefficiency and the lack of competitive bidding on grants and contracts in the Defense authorization bill.

When I met with Tina Jones, the Comptroller, what we found out was that what we label at \$5.9 billion in this bill is really closer to \$17 billion when you really work it all out. We started discovering this when we asked the Department of Transportation to tell us what was the impact of their earmarks.

The other amendment I have offered that has not been accepted by this body—but should—is to do a study of our earmarks to see if we really get value, if they really do turn something profitable. Do they really give us something our military needs? What happens is this \$110 billion should have only cost us \$90 billion.

Now, what does the difference mean? It means buying thousands more MRAPs. It means buying more F-22s. But because we do not competitively bid and because the conference committee did not keep this amendment, the American taxpayer loses, our children lose. But, most importantly, the warfighter loses because if we waste dollars that could have gone to help them better, we disadvantage them in the job we have asked them to do for us.

So I am going to keep offering this. I am going to make a big deal about competition for getting Government contracts in this country, based on quality and price. I am going to keep offering the fact that we ought to assess what the effect of our earmarks is. Now, people bristle at that. But if we are right that we know better than the Pentagon and we know better than the generals and we know better than the procurement officers, we at least ought to look at the results of how we know best and see "Did it turn out?" instead of blindly continuing to do the same thing without the knowledge of the effect of what we did.

There are all sorts of other issues connected with this—parochial issues, campaign issues, political issues—that are connected to earmarks. But the most important issue that ought to be considered is the warfighter. The second issue that ought to be considered is our children. The fact is, we are hurting our children when we are not efficient and proper with the American taxpayers' money.

I do intend to vote for this bill. It is very important for our warfighters.

I do appreciate the chairman. I admire so much his relationship with all those on the Armed Services Com-

mittee, the collegiality under which he has worked on this legislation.

My admiration is not limited to the Members of the Senate; there is the staff. They have been tremendously cooperative with us.

But this is a great question we need to ask. We fail to uphold our oath when we don't spend money wisely. We fail the next generation. We fail the principle of liberty that we have a Defense Department for in the first place when we waste money.

I know there are a lot of other areas we can work on within the Defense Department, but before we have any credibility about working on the other money we waste, we ought to be sure we are clean in terms of what we do. So the fact we are not going to look at what the results were of the money that we directed, and that we are not going to have true competition for about \$150 billion this next year of grants and contracts within the Defense Department says we are going to let down the warfighter, says we are going to let down the next generation. To me, my hope is in the future, we will embrace this transparency, this idea that we ought to get the best value for every dollar we spend for our Defense Department, and we ought to do it in a way that is transparent so the American people can see what we are doing.

I thank the Senator from Virginia for giving me this time. I thank the majority leader for creating an opportunity for us to at least have some time to discuss this bill. Discussions such as these are important to the American public. My challenge is to the chairman of this committee: Next year, let's make up for this. Let's truly put competition first. Let's get great value for our children and for our warfighters. We can do it. We won't stop anything that is needed now. We won't stop anything that is unique. But those things that are not pertinent to the here and now, that are going to come in the future, we ought to get great value for. We know we don't. The IG report said we don't. There is tons of information we have that says we are not getting great value.

With that, I yield the floor and thank my colleagues for giving me the time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I think it is important for the colloquy that the Senator and I are now having that the copy of the amendment that was once in the bill and deleted be put in the RECORD at this point. Does the Senator have it with him? If we could do that, that would be helpful.

Mr. COBURN. I will make certain it is placed in the RECORD.

I so ask unanimous consent.

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

AMENDMENT NO. 3044

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

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

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

(a) PROHIBITION.—

(1) CONTRACTS.—

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

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

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

(3) WAIVER AUTHORITY.—

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

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

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

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

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

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

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

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

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

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

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

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

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

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

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

Mr. WARNER. Madam President, I wish to assure my colleague from Oklahoma that this is a matter I personally have discussed with Senator MCCAIN many times. He would hope that the committee in the coming year would address, once again, the amendment and the ramifications therefrom.

I think that is the intention, is it not, Mr. Chairman?

Mr. LEVIN. I am sorry. I was distracted.

Mr. WARNER. I think the committee will once again revisit this subject with the Senator from Oklahoma.

Mr. LEVIN. I thank my friend from Virginia, but let me also thank the Senator from Oklahoma. The subject of competition is one which many of us have put in decades of effort on. As a matter of fact, I remember when Senator Bill Cohen of Maine was sitting a few desks from where you are now standing, a decade or so ago. On a bipartisan basis at that time we adopted the Competition In Contracting Act and did a lot of good over time. Gradually, over time, I think there has been some fraying in it.

The Senator points out some very significant issues. We are always happy to work with him on issues. We don't agree with everything he says, but on much of what he says and on his point, his major point, we do agree, in terms of the critical importance of competition. There are some provisions in this bill which the Senator from Oklahoma inspired—many of them. A number of those come from that passion of his to improve competition. It is in the section on acquisition reform. We thank him for his effort in that regard. I also thank him for his very personal comments about me.

Mr. WARNER. I thank the Senator and I join the chairman.

I was going to grant from our time allocation 5 minutes to the Senator from Massachusetts.

Mr. LEVIN. We very much appreciate that courtesy, as always.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise to express my deep disappointment that the Congress is taking up the conference report on the Defense bill without the hate crimes provision. I commend Chairman LEVIN for his strong leadership in our efforts to have it included as part of this measure. Despite his efforts, and the strong support of Majority Leader HARRY REID, it is an extraordinary missed opportunity that we are not able to send the hate crimes bill to the President before the end of the year.

The inclusion of the hate crimes provision in the Defense bill was appropriate. Our military stands for America's ideals and fights for America's ideals. At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to similar violence here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty. They are on the front line fighting against evil and hate. We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home. We owe it to our troops to uphold those same principles here at home. We should not shrink now from our role as the beacon of liberty to the rest of the world.

If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority. The hate crimes bill would have advanced those values and goals, and we are committed to getting it enacted. It is long past time for this measure to become law.

We are now facing a time when the FBI reports that hate crimes are on the rise, and there has been a sharp increase in the number of hate crimes reported against Hispanics—at the highest levels since the reports were first mandated by the Hate Crimes Statistics Act, demonstrating the real societal impact of anti-immigrant campaigns.

The Southern Poverty Law Center also reports that hate groups are on the rise. Since September of this year, when thousands of Americans marched for civil rights in Jena, LA, there have been more than 50 noose incidents across the country. Just a few weeks ago, the New York Times included a chart reflecting the “Geography of Hate” across America. Over the last 2 years, it shows that nooses have been sighted in many different States.

This terrifying symbol of racism and prejudice has even appeared recently on schoolyards and college campuses, creating fear in their whole communities. Apparently, we have not succeeded in adequately teaching the lessons of America's long history of discrimination. Education is an important part of prevention, but we also need strong national legislation to punish

those who engage in hate-motivated violence and to expand Federal resources available to investigate and prevent these vicious crimes.

As my colleagues here in the Senate know, Senator GORDON SMITH and I have been fighting this battle for a long time. Just a few months ago, the hate crimes provision was adopted by the Senate with a vote of 60-39 as an amendment to the Defense authorization bill. It's not the first time that the Senate voted to pass this bill. In 2000 and 2002, a majority of Senators voted to pass this legislation.

In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But that time, like this time, it was stripped out in conference. Twice in the last 2 years, Chairman CONYERS has succeeded in getting the House to vote to pass this legislation—but, once again, the House and Senate have not come together to get this bill done.

We have been in this battle for nearly a decade, and we will continue to press ahead. It is long past time to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew's death—9 years—we still haven't gotten it done. How long are we going to wait?

This year, with Matthew Shepard's mother Judy at our side, we were filled with hope that finally this would be the year that we would get this bill to the President's desk. A broad and growing coalition of 210 law enforcement, civic, disability, religious and civil rights groups support the bill, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights.

Over 1,400—1,400—clergy from a broad spectrum of religious traditions from across the country have come together to support the Matthew Shepard Act. These leaders of America's religious communities have called on Congress to stand united against one of the worst forms of oppression: violence based on personal characteristics and identity. Together, we must work together to create a society in which diverse people are safe as well as free.

We will continue to fight to protect the rights of our fellow citizens, and not let a veto threat stop us from doing the right thing. We are not giving up. We will continue to push to get the bill through the Congress next year. I remain hopeful that the President will hear our call and that he too will finally support this much-needed measure.

Hate crimes are an appalling form of domestic terrorism that cannot and must not be tolerated anywhere in our country. We have made progress over

the years, and our focus now should be to strengthen protections for hate crimes so that all Americans will be protected under the law. No Americans should feel that they are second class citizens because Congress refuses to protect them against hate crimes.

I am looking forward to voting for this conference report. At the outset I want to express a view that I know all of the members of the Armed Services Committee feel, and that is great respect for our chairman, Senator LEVIN, and Senator WARNER, who has been past chairman of the Armed Services Committee and has a lifetime of commitment in terms of the security of our Nation and to the betterment of our Armed Forces. We are grateful for their leadership, and the country should be. I am also very grateful for their help and assistance, along with my colleague and friend GORDON SMITH, for a provision that was included in the Defense authorization bill but which has been subsequently dropped, and that is the hate crime legislation we had added which had been included at other times as well in the Defense authorization bill. It was included in the year 2000, in 2002, and now, by a vote of 60 to 39, was included in this legislation.

This legislation is to make sure our troops are going to be the best trained, the best led, and the best equipped. Also, the very serious efforts that have been made in terms of the health care that has been pointed out by the Senator from Washington and other various provisions of enormous importance.

What we are interested in doing is giving the support to our frontline troops. We ask ourselves: What are they doing? What is their task? Their task is fighting terrorism and fighting evil overseas—fighting terrorism and fighting evil overseas so that we are going to be safe and secure. It does seem to me if they are fighting against terrorism and evil overseas and they are fighting for American values overseas, they ought to also be fighting for American values here at home. The values here at home are to fight the terrorism and evil that exist here at home in terms of hate crimes—hate crimes—the types of crimes that are devoted and focused on individuals because of who they are. The kind of crimes that hurt not just the individuals but communities; the kind of crimes that have expanded significantly over the period of recent years.

America is a better America by not tolerating hate crimes. America is a better America when we are fighting hate crimes in the best way and with all of the tools we possibly can. We had that legislation. It was included. We had good debate on the floor of the Senate. We had bipartisan support for the hate crimes legislation. That same concept had been passed as an individual bill in the House of Representatives. The same concept was included in instructions from the House of Representatives 3 years ago that we should

accept it. But this time, the House of Representatives refused to address it and we have seen that provision withdrawn. I think it was a significant and important mistake.

I wish to give to those who are committed to that program, that effort to try and deal with the problems of violence in America. We have all seen the challenges of violence in these past weeks. As the Southern Poverty Law Center reports, it is taking place in schoolyards and communities all over our Nation. This is violence caused by hatred, by people that are targeting individuals of different color skin, different races, different ethnic backgrounds, different sexual orientation.

So at another time we will bring this issue back to the floor of the Senate. We want to give the assurances of those who have been a part of this whole march which has taken place over the period of years since 1968 with the killing of Dr. King—this has been a continuing march. We haven't stopped. We will not yield. We will not give in.

I am grateful to the Senator from Virginia for yielding me this time. We will ultimately prevail. I thank the Senator.

Mr. WARNER. Madam President, I thank our distinguished colleague from Massachusetts. He has been a strong, hard-working member of our committee these many years, and I was happy to accommodate him with time.

On my side, the distinguished Senator from Georgia has indicated he would not seek to speak. There is one remaining Senator, I understand, the other Senator from Oklahoma, Senator INHOFE. When he appears, I will recognize him for the purpose of making a few remarks.

IRAQ SPECIAL IMMIGRANT VISA HOLDERS

Mr. CARDIN. Madam President, I am so pleased that Chairman LEVIN included in the conference report a critical component of the original Iraq Refugee Crisis Act, which would defray the cost of transportation and provide prearrival admissions assistance and up to 8 months of postarrival resettlement assistance to those Iraqis who come here on Special Immigrant Visas or SIVs. SIV holders are those individuals whose lives may be in jeopardy because of their support for the American mission. My staff has learned that there is an effort by the administration to limit the scope of the assistance provided to these brave Iraqis. I know when Senator SMITH and I introduced similar language as an amendment to the fiscal year 2008 Labor, Health & Human Services, and Education appropriations bill, we certainly intended to provide Iraqi SIVs with the full array of benefits normally provided to refugees by the U.S. Government, the State Department's Bureau of Population, Refugees, and Migration as well as the Health and Human Services Department's Office of Refugee Resettlement.

With this effort in mind, I want to be sure the conferees and the author of the Iraqi Refugee Crisis Act, the Senator from Massachusetts, had the same intent when including the provision in the conference report accompanying H.R. 1585, the Department of Defense authorization bill. I would also ask my colleague from Oregon if he agrees with me.

Mr. SMITH. Yes, I concur with Senator CARDIN; it was indeed our intent that Iraqi SIVs receive the full array of admissions and resettlement assistance offered to refugees. I also want to thank the conferees for including this important provision.

Mr. KENNEDY. Madam President, I want to echo the comments of my friends from Maryland and Oregon. The original Iraq Refugee Crisis Act included language similar to the conference report and the Cardin amendment to the Labor-Health and Human Services appropriations bill. As the original author of the legislation, I can assure you it was my intention to provide Iraqi SIV recipients with the full array of benefits available to refugees. Moreover, SIV recipients are not to be counted against immigrant caps, nor are they counted against U.S. Refugee Admissions Program caps.

Mr. LEVIN. I want to thank my friends from Massachusetts, Maryland and Oregon for their support. As I have said before, the United States has a special responsibility to assist those individuals fleeing Iraq and particularly to those individuals who assisted the United States. In the case of this legislation, it is the intent of the conferees to provide Iraqi SIVs the full array of benefits traditionally provided to refugees as described by my friend from Maryland.

Mr. CARDIN. I would like to thank the chairman for that important clarification. I also know that despite the provision of benefits, it was never my intent that these SIVs would be counted against immigrant or U.S. Refugee Admissions Program caps set by the administration through consultations with Congress and would like to clarify whether this was also the intent of the conferees?

Mr. LEVIN. My friend from Maryland is correct: despite provision of benefits, these SIVs, due to their special status, are not to be counted against immigrant or refugee caps. Does my friend from Massachusetts concur?

Mr. KENNEDY. I do. SIVs are not to be counted against immigrant or U.S. Refugee Admissions Program caps set by the administration through consultations with Congress.

Mr. CARDIN. I would like to thank Chairman LEVIN and Senator KENNEDY for making the intent clear on this issue. I know these clarifications will mean a great deal to the Iraqi men and women who have been so critical to our mission in that country.

Mr. AKAKA. Madam President, today I was pleased to vote in favor of passage of the conference report on the

National Defense Authorization Act for Fiscal Year 2008. This significant legislation will provide much needed funding for the brave men and women currently serving in our armed forces and includes critically important language addressing the needs and care of returning servicemembers.

The provisions dealing with care at VA are a direct outcome of the close collaboration that has occurred between the Veterans' Affairs Committee and the Armed Services Committee. It was a pleasure to work with Chairman LEVIN of the Armed Services Committee and others on this key legislation to help our Nation's servicemembers and veterans. It contains provisions drawn from legislation which was reported by the Veterans' Affairs Committee to the full Senate in late August, legislation that we have been seeking final passage of for many months now.

A substantial portion of these provisions seek to address what has become the signature wound of this conflict: traumatic brain injury. While attempting to meet the immediate needs of veterans with TBI for high-quality care at VA and subsequent rehabilitation in their communities, it would also provide VA clinicians with increased resources to develop the expertise and the capacity to meet the lifelong needs of these veterans.

First, VA would be required to develop a comprehensive rehabilitation and community reintegration plan for each veteran with TBI, to be implemented by a team of clinicians with appropriate expertise. The veteran, or the veteran's caregiver, would also have the opportunity to request a review of the rehabilitation plan, to ensure adequate responsiveness to individual concerns. These provisions stem from testimony from family members and advocates at the Veterans' Affairs Committee's March 27, 2007, hearing on transition issues and care for returning servicemembers.

Second, to better meet the need of veterans who reside in areas that are not close to any of VA's five major polytrauma centers, the provisions in this bill would authorize the use of non-VA facilities, when VA lacks the capacity to provide treatment or the veteran lives too far away to make VA treatment feasible. VA's lead polytrauma centers have significant expertise in rehabilitative care, but in other locations specialized rehabilitative care is frequently unavailable in VA facilities.

Third, veterans with severe TBI often end up in nursing home care. This bill would require VA to provide "age-appropriate" care to these younger veterans who are severely wounded but who sometimes end up in end-of-life care environments. Additionally, the bill would give VA providers the ability to work with the Defense and Veterans Brain Injury Center to conduct research and treatment to potentially "re-awaken" some veterans with more

severe TBI, who may still be able to achieve some level of cognitive recovery.

Finally, in response to the needs of veterans with TBI who are unable to manage routine activities of daily living, this bill would require VA to establish programs to maximize veterans' independence, quality of life, and community reintegration. It would also establish an assisted living pilot program for those with TBI. This would expand options to assist veterans who might otherwise be forced into institutional long-term care.

One of the cornerstones of this section of the bill extends the period of automatic eligibility for VA health care. Under current law, any active-duty servicemember who is discharged or separated from active duty following deployment to a theater of combat, including members of the Guard and Reserve, is eligible for VA health care for a 2-year period. This bill would extend the period to 5 years.

A greater period of eligibility is essential for two primary reasons: protection from budget cuts and ensured access to care for issues that may not be apparent immediately upon separation from active duty, such as invisible wounds. In recent years, veterans with lower priority ratings have been denied care due to budget delays and cuts through the legislative and appropriations process. Combat veterans deserve 5 years of guaranteed health care immediately following discharge.

Two years is often insufficient time for symptoms of PTSD and other mental illnesses to manifest. These invisible wounds are often not apparent until 3 or 4 years after discharge, and servicemembers frequently delay treatment until their issues become serious. Studies indicate that up to 30 percent of OIF/OEF veterans will require some form of mental health or readjustment service. Over 1.5 million Americans have served in those theaters of combat, and about 750,000 are currently eligible for VA health care. Extended eligibility will smooth their transition to civilian life.

To further improve a timely response to veterans' mental health needs, this bill would require VA to provide a mental health examination within 30 days of the veteran's request. Senator OBAMA has done excellent work on this provision, and I thank him for his efforts. Past wars have shown that delaying mental health care makes recovery far more challenging.

In addition, this bill improves outreach to members of the National Guard and Reserves. The Reserve forces have been used in the current conflicts on an unprecedented scale. It is essential that VA include them in their outreach efforts upon demobilization. This bill would specifically include them in VA's definition of outreach. This change acknowledges the central role played by the Guard and Reserve.

In addition to the vital veterans-related legislation included in this bill,

as a senior member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness and Management support, I am pleased that this bill provides troops with the equipment and facilities they need, as well as strengthens the oversight and management of the Defense Department. This includes the incorporation of the Acquisition Improvement and Accountability Act and the establishment of a full-time Chief Management Officer and Deputy Chief Management Officer. I am especially pleased that the conference report repeals the Department of Defense's authority to establish a new labor relations system under the National Security Personnel System, NSPS, and restores collective bargaining and appeals rights. The original NSPS legislation stripped Federal employees of their basic rights and protections. I so vehemently opposed these provisions that I voted against the Defense Authorization conference report creating NSPS. I am glad that Congress has decided to restore these fundamental rights and protections to employees who work every day to secure our Nation.

Once again, let me congratulate the members of the House and Senate for their passage of this bill and I urge the President to sign this crucial legislation into law.

Mr. LEAHY. Madam President, the conference report on the fiscal year 2008 Department of Defense authorization bill now before the Senate includes some significant mileposts of progress for the National Guard. Those sections of the bill come directly from the National Guard Empowerment Act of 2007, a bill that I sponsored along with Senator KIT BOND of Missouri, my fellow cochair of the U.S. Senate National Guard Caucus. Well over half of the Senate—a significant portion of the National Guard Caucus—cosponsored the empowerment bill. Working with the Nation's Governors, key National Guard-affiliated organizations, and the Adjutants General of the United States, we make notable headway in this bill on several issues that go to the core of the Guard's missions, preparedness and our national defense.

This legislation clears away organizational cobwebs in the Department of Defense and changes the Pentagon's structure to better reflect the vital role and responsibilities of the Guard. More importantly, we direct the Department of Defense to begin the urgently needed process of tapping into the National Guard's extensive experience in homeland defense issues—expertise the Defense Department has previously ignored.

To give the Guard more bureaucratic muscle, especially in decisions affecting the Guard, the legislation elevates the Chief of the National Guard from the rank of lieutenant general to the rank of general, making the Chief the prime military adviser to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. The National

Guard Bureau becomes what is called a Joint Activity, still closely affiliated with the Department of the Army and the Air Force, but now more like other joint agencies like Combatant Commands and the Defense Intelligence Agency, capable of communication across the Department.

To focus the Defense Department more on homeland defense, the bill requires that the Deputy Commander of the U.S. Northern Command come from the ranks of the National Guard, and it requires the Department of Defense to develop a plan in conjunction with the Guard to deal with homeland defense situations.

These reforms are tangible progress for the Guard, and there is a pressing need for them. The National Guard is a keystone to our Nation's defense, ready to carry out missions at home and abroad. The Guard is ready to serve as the primary reserve to both the Army and the Air Force, while taking the lead in providing military support during emergencies situations at home. It would take a long time even only to list the missions accomplished by the National Guard since September 11 in carrying out their assignments in Iraq and Afghanistan or to respond to natural disasters like Hurricane Katrina.

Despite all the Guard's achievements on our behalf, the force often has gotten second-class treatment in the Department of Defense. The Guard has to beg and scrape and rely on the tender mercies of others for every piece of equipment they need to do the jobs they are asked to do, and they have to fight to be included in the long-range planning and budget and policy discussions that directly affect the Guard, its missions, its people, its equipment and its other needs. The Guard works extremely closely with state emergency responders, and they have special authorities and experience in working within the domestic United States. But despite this special expertise and these special authorities, does the Pentagon listen to and learn from the Guard's ideas and knowledge about domestic defense? Sad but true, the answer is no.

I wish we could have gone even further in this legislation. Dropped during floor debate here in the Senate was a section of the Empowerment bill to make the Guard Bureau Chief a member of the Joint Chiefs of Staff. That would improve the quality of advice to the Secretary of Defense and the President on domestic defense matters. Another provision, removed in conference with the House, would give the Guard a separate budget for procuring homeland defense-related equipment, as well as the ability to work with states to identify gaps in emergency response capabilities. Another clearly warranted section of our bill would have ensured that our Adjutants General, who command units from the both the Army Guard and the Air Force Guard, receive joint credit for their experience. That would create a greater pool of candidates for the senior positions that we

have opened up in this bill. The institutional objections we heard to these provisions ranged from the weak to the unreasonable. But regrettably, in this case they carried the day.

We did make clear progress. The joint activity provision, to take a less prominent example, is highly significant. The phrase "joint activity" means exactly how it is used in the Goldwater-Nichols Act: an organization that performs joint missions under the auspices of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the commander of a Combatant or a Combined Command. The National Guard Bureau has now basically been given a legal license to work not only with the two services—the Army and Air Force—but also with a variety of unified commands, the Joint Staff, and the Office of the Secretary of Defense. The National Guard Bureau now will have similar organizational standing as that granted to other joint activities such as, among many other organizations, the Joint Staff or the Defense Logistics Agency.

This coalition of National Guard supporters—which goes far beyond the sponsors and co-sponsors to the Governors, the Associations, and many others—must keep pushing. If we are to have a national security structure that is as effective as the American people need and deserve it to be, we must ensure that the Guard's voice is heard loud and clear in key deliberations. We must ensure that the Pentagon takes the military support mission seriously. We should consider re-introducing the portions of the Empowerment legislation that have not yet been enacted. To keep a laser-like focus on domestic defense, we must take a careful look at other Defense Department organizations involved in domestic defense, like U.S. Northern Command.

I know that Senator BOND joins me in thanking the Nation's Governors for their stalwart support of the empowerment bill, as well their unstinting energy in working with us on another successful effort on behalf of the Guard, the similarly successful effort to repeal the recent changes to the Insurrection Act, turning back an unjustifiable expansion of a President's power to use the military for law enforcement. This provision of this Defense authorization bill was drawn directly from legislation that I introduced with Senator BOND, which this year was the subject of a hearing by the Judiciary Committee.

Associations like the Adjutants General Association of the United States, the National Guard Association of the United States, and the Enlisted Association of the National Guard of the United States were there every step of the way, keeping their members informed and bringing enormous energy to this effort.

Special thanks go to Representatives GENE TAYLOR of Mississippi and TOM DAVIS of Virginia who led a vigorous,

companion effort on the House side, as well as Senators CARL LEVIN of Michigan, JOHN MCCAIN of Arizona, and JOHN WARNER of Virginia for leading the Senate negotiations.

We owe the deepest thanks to the almost 500,000 members of the National Guard. Their ability to balance their full-time jobs with their family responsibilities and Guard commitments is simply remarkable. They are indispensable to our national security structure, at home, and abroad. Their sense of pride, professionalism and duty represents the very best qualities of our military and our country. I am simply in awe of what they have done to protect this Nation, and I know the whole Congress and the country share this heartfelt gratitude.

Throughout this whole process, we have been guided by the fact that the Guard is always there for the people of the United States of America. Our part is easier than theirs: We cannot afford to let our Guard down. The Guard Empowerment provisions of this bill will help us honor that commitment to the men and women of the Guard.

Mr. KENNEDY. Madam President, I commend the conferees for including the Refugee Crisis in Iraq Act as part of this conference agreement.

I am grateful to the chairman and ranking member for supporting this needed provision, and I also appreciate the support of Senators SMITH, HAGEL, BIDEN, BROWNBACK, LIEBERMAN, LEAHY, SNOWE, VOINOVICH, FEINSTEIN, COLLINS, OBAMA, DOLE, MENENDEZ, MIKULSKI, and CLINTON, who joined in sponsoring the original amendment when it was adopted by the Senate by voice vote during our debate on this bill.

The Refugee Crisis in Iraq Act requires the Secretary of State to establish a refugee processing program in Iraq for Iraqis threatened because of their association with the United States. Applicants must demonstrate they have a well-founded fear of persecution. Iraqis who will now be able to apply directly to the United States rather than going through the United Nations referral system,—include: Iraqis who were or are employed by or worked for the United States Government in Iraq; Iraqis who were or are employed in Iraq by a media or nongovernmental organization headquartered in the United States, or by an organization that is closely associated with the United States mission in Iraq and that has received U.S. Government funding through an official documented contract, award, grant, or cooperative agreement; and Iraqis who are members of a religious or minority community with close family members in the United States.

The act allows the Secretary to suspend in-country processing for periods of 90 days, with a report to Congress on the reasons for any suspension.

In addition, the act makes available 5,000 special immigrant visas each year for the next 5 years for Iraqis who have worked for the U.S. Government in

Iraq and are endangered as a result. Applicants must have a positive recommendation or evaluation from a senior supervisor and be approved by the U.S. Ambassador in Iraq or his designee. The provision sunsets after 5 years. These visas, because of their special status, are not counted against immigrant caps nor are they counted against U.S. Refugee Admissions Program caps.

Under the act, Iraqis granted special immigrant visa status are eligible for 8 months for the full array of benefits traditionally provided to refugees by the State Department's Bureau of Population, Refugees, and Migration and the Health and Human Services Department's Office of Refugee Resettlement. The provisions under the act would defray the cost of transportation and provide prearrival admissions assistance and up to 8 months of postarrival resettlement assistance to those Iraqis who come to the U.S. on special immigrant visas. Senators CARDIN and LEVIN are the primary authors of this provision and, have spoken eloquently for it.

The act also allows reapplication by Iraqis in the United States who have been denied asylum, in part, because conditions in Iraq changed after the fall of Saddam Hussein's government.

In addition, the act directs the Secretary of State to designate a high-level special coordinator at the Embassy in Baghdad to handle issues related to Iraqi refugees and internally displaced persons. The coordinator will be responsible for overseeing in-country processing of refugees and special immigrant visa applicants, and will have authority to refer persons directly to the U.S. refugee resettlement program. Similar positions would be designated in the American embassies in Egypt, Jordan, Lebanon, and Syria.

The act also requires the Secretary of State to consult with other countries about resettlement of refugee populations and to develop mechanisms in countries with significant populations of displaced Iraqis to ensure the refugees' well-being and safety. U.S. financial assistance would be provided in such cases to help meet the cost of caring for the refugees and protecting them.

These measures are urgently needed to address the immense human costs of the war in Iraq and its tragic effect on the millions of Iraqis—men, woman, and children—who have fled their homes and often their country to escape the violence.

A significant number of courageous Iraqis have worked with the American military, the staff of our Embassy, or with American organizations to support our mission in Iraq. Their support and loyalty have cost too many lives already, and their families have often been forced to flee their communities or even their country because of the danger.

The target of the assassin's bullet is on their back, and we owe them enor-

mous gratitude. But instead of giving them needed help and protection, we have too often offered only bureaucracy and dubious hopes.

Regardless of where we stand on the war, Congress is united in believing that America has a fundamental obligation to assist Iraqis who have courageously supported our forces and our efforts in Iraq and whose lives are in peril as a result. The provisions in the agreement are a long-needed attempt to fulfill our commitment to them.

Despite the clear and present danger faced by many Iraqis because of their ties to the United States, their religious affiliation, or their work with media, nongovernmental or humanitarian organizations, the vast majority of Iraqi refugees must go through a long and complicated referral process of approximately 8 to 10 months, in which the United Nations serves as an intermediary outside Iraq. This act cuts through much of that redtape.

Obviously, we cannot resettle all of Iraq's refugees in the United States. But we need to keep faith with the Iraqis who have worked so bravely with us and for us and supported our mission in Iraq, and whose lives are in serious danger now because of it.

A few months ago, I had the honor of meeting SGT Joe Seemiller, a young man who is haunted by the military motto, "Leave No Man Behind." Sergeant Seemiller is dedicated to helping the translator he was forced to leave behind in Iraq. On countless occasions, his translator helped to avoid serious American and Iraqi casualties. He braved innumerable death threats and the horrific murder of his brother. Finally, he had to flee to Syria, where he waited more than 2 years for the opportunity to be resettled in the United States.

The Refugee Crisis Act, makes clear that America has a fundamental obligation to assist Iraqis whose lives are in danger because of their close ties to our Nation. I look forward to working with the administration in the months ahead to implement this important humanitarian legislation.

I urge my colleagues to support the conference agreement.

Mr. NELSON of Nebraska. Madam President, I want to take the opportunity to applaud the leadership of the Senate Armed Services Committee for their efforts on the Defense authorization conference report. Chairman LEVIN and the ranking member, Senator MCCAIN, have done a Herculean job of working through the hundreds of conference issues in this bill with the House companion bill. The work and effort of all parties involved is one of the shining examples of the Congress working together in a bipartisan, bicameral effort to support our men and women in uniform.

As a signatory to the conference report, I support this bill. There is much to like in this bill. We provide necessary benefits to keep our recruiting and retention on the right track. This

bill includes a 3.5-percent pay increase for uniformed service personnel, establishes a Commission on Wartime Contracting in Iraq and Afghanistan, prohibits the increase in TRICARE fees for retirees and reservists, increases the grade of the Chief of the Guard Bureau from lieutenant general to general. The bill also includes an increase in Active Army and Marine Corps end-strength, increases funding for Mine Resistance Ambush Protected vehicles, increases funding for cooperative threat reduction program efforts, and provides authorizations for critical military construction projects.

In addition, as a response to the problems from the Walter Reed incidents reported earlier this year, we provide a comprehensive Wounded Warriors Act as part of the authorization bill. The Wounded Warrior provisions would require the Department of Defense, DOD, and the Department of Veterans Affairs, VA, to jointly develop a comprehensive policy on improvements to care, management, and transition of recovering servicemembers, require DOD to develop a comprehensive plan to treat traumatic brain injury and post-traumatic stress disorder and authorize respite care and other extended care benefits for seriously injured servicemembers.

While I support this conference report, I want to point out one provision in particular that I have concerns with. This particular issue, as I have expressed to the chairman of the Armed Services Committee, is a section of the bill that would require that prescriptions dispensed through the TRICARE retail pharmacy program be procured at or below Federal ceiling prices. As I understand it, it is the intent of the language and the intent of the conferees not to modify the current master agreements. I hope that this clarification is appropriate, and I wanted to briefly point this out.

Again, I thank my colleagues for their hard work on this report. We as a Senate can be proud of this bill. Mr. President, I believe that this is good legislation, and I encourage my colleagues to adopt this Defense authorization conference report.

Mr. LAUTENBERG. Madam President, I wish to applaud the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, respectively, on passage of the National Defense Authorization Act for fiscal year 2008.

Specifically, I would like to express my gratitude to the bill conferees for their inclusion of four amendments that I authored and which were unanimously adopted by the Senate during its consideration of this bill. These provisions will increase oversight of our country's economic and security assistance to Afghanistan by creating a Special Inspector General for Afghanistan Reconstruction, section 1229; help victims of state-sponsored terrorism to achieve justice through the U.S. courts, section 1083; prevent military

health care fees through the TRICARE program from rising, sections 701 and 702; and increase accountability and planning for safety and security at the Warren Grove Gunnery Range in New Jersey, section 359.

First, I was proud to be joined by my cosponsors, Senators COBURN, DODD, HAGEL, FEINGOLD, WEBB, and MCCASKILL, in creating a Special Inspector General for Afghanistan Reconstruction. I wrote this legislation because I believe that while a democratic, stable, and prosperous Afghanistan is important to the national security of the United States and to combating international terrorism, I am concerned that we are not achieving all of our goals there. The United States has provided Afghanistan with over \$20 billion in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts. I therefore believe that there is a critical need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

I would like to emphasize that the Government Accountability Office and the departmental Inspectors General have provided valuable information on these activities. However, I believe that the congressional oversight process requires more timely oversight and reporting of reconstruction activities in Afghanistan. Oversight by this new Special Inspector General would encompass the activities of the Department of State, the Department of Defense, and the United States Agency for International Development, as well as other relevant agencies. It would highlight specific acts of waste, fraud, and abuse, as well as other managerial failures in our assistance programs that need to be addressed.

This new position will monitor U.S. assistance to Afghanistan in the civilian and security sectors, as well as in the counternarcotics arena and will help both Congress and the American people better understand the challenges facing U.S. programs and projects in that country. I am pleased that this provision has been included by the conferees.

Second, this bill includes my legislation to provide justice for victims of state-sponsored terrorism, which has strong bipartisan support. I believe this legislation is essential to providing justice to those who have suffered at the hands of terrorists and is an important tool designed to deter future state-sponsored terrorism. The existing law passed by Congress in 1996 has been weakened by recent judicial decisions. This legislation fixes these problems.

In 1996, Congress created the "state-sponsored terrorism exception" to the Foreign Sovereign Immunities Act, FSIA. This exception allows victims of terrorism to sue those nations designated as state sponsors of terrorism

by the Department of State for terrorist acts they commit or for which they provide material support. Congress subsequently passed the Flatow amendment to the FSIA, which allows victims of terrorism to seek meaningful damages, such as punitive damages, from state sponsors of terrorism for the horrific acts of terrorist murder and injury committed or supported by them.

Congress's original intent behind the 1996 legislation has been muddled by numerous court decisions. For example, the courts decided in *Cicippio-Puleo v. Islamic Republic of Iran* that there is no private right of action against foreign governments—as opposed to individuals—under the Flatow amendment. Since this decision, judges have been prevented from applying a uniform damages standard to all victims in a single case because a victim's right to pursue an action against a foreign government depends upon state law. My provision in this bill fixes this problem by reaffirming the private right of action under the Flatow Amendment against the foreign state sponsors of terrorism themselves.

My provision in this bill also addresses a part of the law which until now has granted foreign states an unusual procedural advantage. As a general rule, interim court orders cannot be appealed until the court has reached a final disposition on the case as a whole. However, foreign states have abused a narrow exception to this bar on interim appeals—the collateral order doctrine—to delay justice for, and the resolution of, victim's suits. In *Beecham v. Socialist People's Libyan Arab Jamahiriya*, Libya has delayed the claims of dead and injured U.S. service personnel who were off duty when attacked by Libyan agents at the Labelle Discothèque in Berlin in 1986. These delays have lasted for many years, as the Libyans have taken or threatened to take frivolous collateral order doctrine appeals whenever possible. My provision will eliminate the ability of state sponsors of terrorism to utilize the collateral order doctrine.

Another purpose of my provision is to facilitate victims' collection of their damages from state sponsors of terrorism. The misapplication of the "Bancec doctrine," named for the Supreme Court's decision in *First National City Bank v. Banco Para El Comercio Exterior de Cuba*, has in the past erroneously protected the assets of terrorist states from attachment or collection. For example, in *Flatow v. Bank Saderat Iran*, the Flatow family attempted to attach an asset owned by Iran through the Bank Saderat Iran. Although Iran owned the Bank Saderat Iran, the court, relying on the State Department's application of the Bancec doctrine, held that the Flatows could not attach the asset because they could not show that Iran exercised day-to-day managerial control over Bank Saderat Iran. My provision will remedy this issue by allowing attachment of

the assets of a state sponsor of terrorism to be made upon the satisfaction of a "simple ownership" test.

Another problem is that courts have mistakenly interpreted the statute of limitations provision that Congress created in 1996. In cases such as *Vine v. Republic of Iraq* and later *Buonocore v. Socialist People's Libyan Arab Jamahiriya*, the court interpreted the statute to begin to run at the time of the attack, contrary to our intent. It was our intent to provide a 10-year period from the date of enactment of the legislation for all acts that had occurred at any time prior to its passage in 1996. We also intended to provide a period of 10 years from the time of any attack which might occur after 1996. My provision clarifies this intent.

My provision also addresses the problems that arose from overly mechanistic interpretations of the 1996 legislation. For example, in several cases, such as *Certain Underwriters v. Socialist People's Libyan Arab Jamahiriya*, courts have prevented victims from pursuing claims for collateral property damage sustained in terrorist attacks directed against U.S. citizens. My new provision fixes this problem by creating an explicit cause of action for these kinds of property owners, or their insurers, against state sponsors of terrorism.

Finally, in several cases the courts have prevented non-U.S. nationals who work for the U.S. Government and were injured in a terrorist attack during their official duties from pursuing claims for their personal injuries. My provision fixes this inequity by creating an explicit cause of action for non-U.S. nationals who were either working as an employee of the U.S. Government or working pursuant to a U.S. Government contract.

I also want to make special mention of the inspiration for this new legislation. On October 23, 1983, the Battalion Landing Team headquarters building in the Marine Amphibious Unit compound at the Beirut International Airport was destroyed by a terrorist bomb killing 241 marines, sailors, and soldiers who were present in Lebanon on a peace-keeping mission. In a case known as *Peterson v. the Islamic Republic of Iran*, filed on behalf of many of the marine victims and their families, the U.S. District Court ruled in 2003 that the terrorist organization Hezbollah was funded by, directed by, and relied upon the Islamic Republic of Iran and its Ministry of Information and Security to carry out that heinous attack. The judge presiding over this case, Judge Royce Lamberth, referred to this as "the most deadly state-sponsored terrorist attack made against United States citizens before September 11, 2001." In September of this year Judge Lamberth found that Iran not only is responsible for this attack, but also owes the families of the victims a total of more than \$2.6 billion for the attack. Congress's support of my provision will now empower these victims to pursue

Iranian assets to obtain this just compensation for their suffering. This is true justice through American rule of law.

Third, this Defense authorization bill includes my provision to prevent proposed increases in enrollment fees, premiums, and pharmacy copayments for TRICARE, the military community's health plan. The principal coauthor of this provision is Senator HAGEL.

Both career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20-year to 30-year careers in protecting freedom for all Americans. I believe they deserve the best retirement benefits that a grateful nation can provide. Proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fails to adequately recognize the sacrifice of military members. We must be mindful that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice.

The Department of Defense and our Nation have a committed obligation to provide health care benefits to Active Duty, National Guard, Reserve, and retired members of the uniformed services, their families, and survivors, that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees. Ultimately, the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage current and retired members of the uniformed services, and it should pursue any and all such options as a first priority. Raising fees excessively on TRICARE beneficiaries is not the way to achieve this objective.

Finally, I thank the conferees for including my amendment to require increased oversight and accountability, as well as improved safety measures, at the Warren Grove Gunnery Range in New Jersey. I wrote this provision with Senator MENENDEZ because a number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents living nearby the range.

On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying five houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties in New Jersey.

My provision will require that an annual report on safety measures taken at the range be produced by the Secretary of the Air Force. The first report will be due no later than March 1, 2008, and two more will be due annually thereafter. My provision will also require that a master plan for the range

be drafted that includes measures to mitigate encroachment issues surrounding the range, taking into consideration military mission requirements, land use plans, the surrounding community, the economy of the region, and the protection of the environment and public health, safety, and welfare. I believe that these studies will provide the type of information that we need to ensure that there is long term safety at the range, both for the military and the surrounding communities.

Mr. FEINGOLD. Madam President, I oppose the fiscal year 2008 Defense authorization conference report because it does nothing to end the President's misguided, open-ended Iraq policy, which has overburdened our military, weakened our national security, diminished our international credibility, and cost the lives of thousands of brave American soldiers.

There are certain provisions of the report that I support strongly, including a pay raise for military personnel. I am pleased that the conference report contains a number of provisions I supported, including Senator WEBB's amendment creating a Commission on Wartime Contracting to examine waste, fraud, and abuse in Iraq and Afghanistan, including the misuse of force by private security contractors, and Senator LAUTENBERG's amendment to create a Special Investigator General for Afghanistan Reconstruction.

But on balance, I cannot vote to support a conference report that defies the will of so many Wisconsinites—and so many Americans—by allowing the President to continue one of the worst foreign policy mistakes in the history of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I yield—what do I have, 9 minutes left? I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I thank Senator LEVIN of Michigan and Senator WARNER of Virginia. This is a big piece of work and it took them a long time and a lot of patience and a lot of skill. It is voluminous and contains so much of importance for our national security defense, and I thank them and their staffs for the extraordinary job they did.

A word of disappointment before I go into more praise. Troops to Nurse Teachers is a program Senator WARNER and I talked about 2 years ago. We had hoped to include it in this bill. We passed it in the Senate, and we lost it in conference. The idea, of course, is to take retired military nurses and move them into nursing faculty positions, because we have such a shortage in our Nation of nurses. For reasons I can't explain, our good idea turned into a study. Let's hope the study turns into a program that brings us more nurses, whom we desperately need.

Let me say a word about my vote on this bill. Everyone will have their own reason for supporting this bill. My reason is a young soldier named Eric Edmundson. Eric Edmundson, from North Carolina, had been in the Army about 6 or 7 years, was a victim of a traumatic brain injury in Iraq, brought out to Walter Reed, went through numerous surgeries, suffered some very debilitating and tough injuries. The VA system tried their best, sent him to Richmond without the kind of results that the family or Eric wanted to see. They told the family his only recourse was to go to a nursing home—a nursing home—at the age of 26. His father said: No way. My son is not going to a nursing home. His father, Ed Edmundson, quit his job. He and his wife started this crusade to get Eric into the best hospital they could find in America. He ended up in the Rehab Institute in Chicago, paid for by the Federal Government after a long battle. Then, after months of heroic rehabilitation, on the day of his discharge Eric Edmundson walked out of that hospital. I was there that day. I looked at the tears in the eyes of his family, his wife, saw his little baby girl, and realized that we cannot give up on these wounded warriors.

I introduced a bill and commended it to Senators LEVIN and WARNER and thanked them personally for including it in this legislation. This bill is going to mean that we make extraordinary efforts, as we should, to stand behind these veterans and give them the very best care they can possibly receive. With that kind of care, many of them can be restored to the life they deserve.

We also need to start monitoring those who come into the military service on the issue of traumatic brain injury and post-traumatic stress disorder to establish cognitive tests as baselines so some of the subtleties of their injuries that aren't discovered for years can be discovered. To go to Walter Reed now to the amputation unit and find the average soldier telling you that he in Iraq has experienced at least 60 concussions that they felt—even if they didn't personally harm them; they walked away from them thinking nothing of it, it is cumulative. It can come back to haunt them. I went to barracks with Senator MCCASKILL and we visited units and soldiers who went through this. We know this is an ongoing concern and an ongoing obligation, and this bill recognizes it.

I salute all of those who made this possible for the passage of this bill; the inclusion of the Wounded Warriors Act, the traumatic brain injury bill I worked on. They say you get a lot done around Congress if you don't care who takes the credit. I am glad this bill passes. Even though the one I introduced with my name didn't, the major parts of it are included. My vote on behalf of this is for Ed and Beth Edmundson, who did everything in their power for their son, and to Eric Edmundson, his wife Stephanie, and his little daughter Gracie.

They are the ones who brought this to my attention and the ones I will be thinking of when I vote today.

I yield the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Illinois, Mr. DURBIN, for his passion on this issue, this brain injury problem, which is bedeviling us. We have now incorporated the original screening so we know where people are who come into the service. This bill has his name on it as a cosponsor and has his spirit and effort incorporated in it. That is a most important thing. We thank him.

Senator BYRD may want to speak.

Mr. WARNER. Mr. President, I spoke to our friend from West Virginia. He said he will not speak now. He also wants to expedite this bill. On our side, it could be that Senator INHOFE may appear for a minute or two.

Mr. LEVIN. Mr. President, Senator MCCASKILL will ask to be recognized. How many minutes do we have?

The PRESIDING OFFICER (Mr. CASEY). Three minutes 48 seconds. The other side has 5 minutes.

Mr. LEVIN. Without even asking, I know Senator WARNER would be happy to yield a minute or two of his remaining time if she needs it.

I thank Senator MCCASKILL. She has been intrepid on so many issues, including the ones we talked about on mental health. She brings a background to the committee which is unique in terms of oversight. We are grateful she is on our team.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I have to express how lucky I have been this year to learn from two titans of bipartisan leadership in this body. If the rest of the Senators would emulate Senator WARNER and Senator LEVIN, America would be better off. I thank you for the incredible lesson I have had at your knee this year. I also thank Congressman IKE SKELTON, a giant from Missouri, who, with his gentle smile and steely resolve, helped shepherd this bill through.

I want to point out a few of the many provisions that are in here—the ones put in with my auditor's hat on:

First, stronger provisions about the definitization of contracts. We cannot hold contractors accountable unless we tell them what we want, we are clear about what we want, and then we demand that we get it. That is important.

Second, the training of military personnel about contracting. My dad peeled potatoes in the Army in World War II. We are never going to have soldiers doing that again; we are going to hire people to do that. We have to make sure we are getting value for that. That means the military needs to know how to oversee these contracts.

As Senator LEVIN mentioned, whistleblower protection for the employees of the contractors. Many of them are Americans first, and they want to tell us the bad things that are going on

within these contracts. We need to give them the same protection Government employees have for whistleblowing. This legislation accomplishes that, and it will do great good for the American taxpayer in terms of protecting our military.

Finally, the provision that, as freshmen, we are most proud of—Senator WEBB and I worked very hard on the Contracting Commission. I think over the next 2 years this country will have an opportunity, in a bipartisan way, to provide a high-profile look at contracting and how we can do it better. It is important that we get this right. As Harry Truman said, nobody should be allowed to profit off the blood, tears, and the deaths of the men and women who serve us so bravely. It is very important that we get this done.

I thank the Senators for the opportunity to speak for a few moments, and I appreciate so much their willingness to work with myself and Senator WEBB, the two freshmen on my side on the committee this year.

I am pleased to be supporting the Fiscal Year 2008 National Defense Authorization Act, a critical bill in setting policy for the Department of Defense. However, I unfortunately must note my deep disappointment with some of the content of the legislation.

I have and will continue to oppose the practice of adding extensive numbers of "earmarks" to Federal spending measures. I believe this practice is fiscally irresponsible. And it is earmarks in this legislation that once again proves disconcerting to me.

I am aware that a series of unfortunate decisions by House leadership resulted in the House passing several appropriations measures, including the Military Construction-Veterans Affairs funding measure, before consideration of earmarks sought by House Members was completed. This subsequently resulted in the exclusion of Military Construction earmarks for House Members when the National Defense Authorization Act was taken up and passed by the House. The decision of House leaders to later add House earmarks to the Military Construction accounts in the Military Construction-Veterans Affairs appropriations conference produced a dilemma for authorizers, who had not yet reached a conference agreement on the National Defense Authorization Act. Ultimately, in order to maintain proper order in the legislative process, authorizers chose to add the House Military Construction earmarks to their conference agreement. I find this terribly unfortunate and, frankly, unacceptable. But, in light of the special circumstances under which it took place, I have decided not to oppose the Defense Authorization Act.

I am pleased that the conference report states the disapproval by authorizers of the process that led to adding these earmarks. I am also pleased that a strong commitment has been made to not engage in such a practice again. I also note, as does the conference report, that the authorized projects have

previously been considered and voted on in the House so there has been a degree of public vetting of these projects. Finally, I am pleased that the National Defense Authorization Act contains no other earmarks added in this offensive manner.

In closing, I fully recognize that this legislation contains many provisions critical to today's fighting men and women and to our national security, ranging from a well deserved pay raise to the funding of the Mine Resistant Ambush Protected vehicle. I am proud to have been a part of developing this legislation and applaud Chairman LEVIN and Chairman SKELTON for their efforts. I am also particularly pleased with the inclusion of vital measures that I worked especially closely on, from extensive acquisition reform and contracting accountability measures to a host of new protections and programs for America's wounded warriors. Our troops deserve this legislation, but it is my hope that the Congress will utilize a better process in achieving it in the future.

Mr. WARNER. Mr. President, I ask now that the remainder of my time be given to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I thank my friend from Virginia and also the chairman of the committee. They have done a great job in getting this bill up, and I was concerned that we weren't going to get to it today. That wouldn't have been a good message to send.

I think we have a good authorization bill, although I think there are some shortfalls. I am encouraged by the funding levels we are authorizing for the F-22, the F-35, the KC-X, and the Future Combat System—although with the Future Combat System we did take a cut of about \$205 million. That is something I hope we will be able to get restored next time. It is interesting that a lot of people don't realize how important the Future Combat System is. We have not had a major renovation in transformation on the ground in decades. I do believe that cut needs to be restored, and I think we can work on that in the future.

I am further encouraged that the bill authorizes a 3.5-percent across-the-board pay raise. I believe that is very important at this time, as is the authorization of funding for Afghanistan and Iraq. I will be going there again in about 3 weeks. Every time I go, I see the great successes they are having, and I get very excited. However, while we have authorized something that is adequate in this case, the appropriations aren't there yet. I think it is vital that we get this done immediately.

There are other areas I want to concentrate on next time. I think the Train and Equip Program is one of the best things we have, the program expanding the IMET Program, where we would be able to train a lot of the mili-

tary officers of other countries, primarily countries that are found in Africa and others. There was a time when we thought that in our IMET Program we were doing them a favor by allowing them to come and be trained by us. But now I think we understand that if we don't do it, other countries will. There is no better way to ensure the allegiance of countries than to train them. I think that needs to be improved.

I hope we will get to the point where we recognize that if we in the United States want to have the best of everything—I am talking about the best lift programs, strike programs, ground programs—we are going to have to really do a better job at the top line. We went through 100 years in this country of spending 5.7 percent of our GDP on military, and it went down, at the end of the nineties, to about 2.7 percent. It is now hanging at about 3.6. I think the expectations of the American people are that we should have the best of everything to do that. We are going to have to increase the top line. I believe we will be able to address that in the next session.

I am glad the bill is here today. I look forward to getting this passed and sending the message to our very courageous fighting men and women that help is on the way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. On our side, the distinguished Republican leader is the sole remaining speaker. I understand he will be coming to the floor shortly.

Mr. LEVIN. Mr. President, we will close with thanking all of the members of the committee for their work. On our side, we have a couple of old lions, Senator BYRD and Senator KENNEDY, and our wonderful freshmen, Senators MCCASKILL and WEBB, who led the way to give us a Commission on Contracting. All of the members made major contributions.

Since I am sitting in front of Senator BYRD, and I have 3 seconds left, I pay my personal respects to the longest serving member of our committee as well as, obviously, the senior Member of the Senate. I wanted to look that wonderful Senator in the eye and express the gratitude of this body and of our committee for what he contributes to both the Senate and the Armed Services Committee.

Mr. BYRD. I thank the Senator.

Mr. WARNER. Mr. President, I join my distinguished colleague in paying tribute to our distinguished leader, Senator BYRD. I remember the years when we served under him as majority leader. He always let the Armed Services Committee get whatever time it needed on the floor to handle our bills. And then, of course, through all these many years, I pleaded with him to reunite West Virginia and Virginia, bring them back as one mighty State again. I indicated I would yield my position to the Senator and retire into oblivion and let him become the distinguished

Senator. He has not accepted my request.

Mr. LEVIN. Mr. President, there is no similar request by this Senator to reunite Ohio and Michigan, by the way.

I also thank Senator JACK REED, who has meant so much to the Committee and to me personally over the years.

Mr. WARNER. That is true.

I also thank the Republican leader for the support he has given me and Senator MCCAIN in leading the work of our committee, together with our members. I thank each and every one of those members, some of whom are on the floor now prepared to vote.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, at the outset, this the penultimate DOD authorization bill for the distinguished Senator from Virginia. What a leader he has been on defense issues for his 30 years in the Senate. He will have an opportunity to do one more before he rides off into the sunset, much to our regret.

I also would like to congratulate Senator LEVIN for his work on this important conference report, which is, indeed, a bipartisan achievement. I was particularly pleased to see that the committee provided full authorization for the supplemental funding for our troops in Iraq and Afghanistan. I was pleased to see the committee recommended no policy changes to the Petraeus plan.

The Wounded Warriors legislation, which we passed earlier in the year, is also included. The Wounded Warriors bill is vitally important to our men and women in uniform and important to the people of the Commonwealth of Kentucky.

So I thank the managers of the conference report. This is an important accomplishment for our men and women in uniform, who we can all agree are deserving of this body's full support and our deepest gratitude.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, in the proud history of America's Armed Forces, I fear that the Bush years will be known as a rare, even a dark time.

At a time when we call upon our troops to face new challenges and great dangers, our President stretched them thin and neglected their protection and care, in many instances. Military readiness levels have dropped to levels not seen since Vietnam. Tours of duty keep getting extended. We are so bogged down with over 160,000 troops in Iraq that we cannot adequately respond to the grave and growing challenges elsewhere, such as bin Laden, who remains free to taunt and threaten us; his al-Qaida network, which is more powerful than ever; like Afghanistan, where the gains of the past are now backsliding, the drug trade is rampant, and violence is on the rise; Pakistan, where the path toward democracy is wavering significantly.

It will take years to recover from the mismanagement of the military in the

past few years by our Commander in Chief.

Today, we can take steps that will make our country safer, aid the fight against terrorism, and provide our heroic troops with the care and support they deserve.

Mr. President, my ability to express my appreciation, admiration, and affection for Senators LEVIN and WARNER—I am incapable of doing that.

To me there are no two finer Senators whoever served this body. There are no two Senators who have done more for our armed services. They not only take care of those who are now fighting for us, they take care of those who have fought for us in wars passed.

I certainly am going to miss Senator WARNER. He has another year with us. That is good for Nevada, it is good for Virginia, and it is wonderful for our country. He will contribute significantly to the well-being of the Senate and our country during the next year. Senator LEVIN is someone I lean on all the time. He is a person who understands what legislation is all about, probably more than most all of us. There is no one who can look at a piece of legislation and make an analysis of what is good and bad about that legislation. It doesn't matter if it is a matter dealing with our military or a matter dealing with something important to his State or, as far as that goes, if there is something important dealing with my State and I want a real good analysis of it. I don't turn to my staff; I turn to CARL LEVIN. I say to these two fine gentlemen that I speak not only for this Senator, but I speak for all Senators.

They, and all of us, understand rebuilding our Armed Forces must begin with a sufficient number of troops, but today the military is struggling to meet its recruiting goals. We are taking people into the military when we would not have thought of taking them into it a few years ago—people not graduating from high school, people with criminal records. That is why this Defense authorization bill provides funds to speed the growth of the Army from 512,000 to 547,000, an increase of 35,000, which is so important, and the Marine Corps, from 180,000 to 202,000, an increase of 22,000, both of which are significantly above the goals set by President Bush.

We also go beyond the President's request for \$1 billion for the strategic readiness fund and add \$1 billion to replace equipment for Guard and Reserve that has been sent to Iraq. Every natural disaster exposes the depleted capacity of our Guard and Reserve, and this bill begins to make that right.

This Defense bill also refocuses our military by saying there will be no permanent bases in Iraq. We need not be seen as an occupying force in Iraq. In a couple months, we will begin the sixth year of that war. We don't need permanent bases in Iraq.

This legislation has important language addressing potential waste,

fraud, and abuse by establishing a Commission on Wartime Contracting. This is so important.

It beefs up our counterterrorist operations along the Afghan-Pakistani border to help fight al-Qaida and capture bin Laden, an effort that has been abandoned, it seems.

Last, but not least, it honors our brave troops who have given so much and receive sometimes so little in return. We start by giving everyone in uniform an across-the-board 3.5 percent pay increase. Those in uniform did not join to get rich; they joined to serve our country.

This pay increase, as I said, will not make them rich. They did not enlist to get rich. They joined the military to serve this great country. Though a 3.5-percent increase certainly will not make them rich, it will help them make ends meet and help their families to do the same as they face the burden of a husband, wife, mother or father serving an extended tour of duty someplace in the United States or around the world.

This pay raise didn't come from President Bush. He opposed it, or I should say part of it. It comes from Congress. We provide care and support for our troops when they are back home because our commitment to them must not end when their combat tours end.

The Wounded Warrior Act is in this bill which will improve health care and benefits for recovering veterans, servicemembers, and their families.

Senator PATTY MURRAY directed me and a number of other Senators to go to Walter Reed. She knew what was there. It was early in the morning, but it was a trip that any time of the day would have been beneficial. What we learned there was the basis of the Wounded Warrior legislation led by the Senator from Washington, PATTY MURRAY.

The American people will, for many years in the future, be indebted to her for this legislation, and I appreciate very much the managers of this bill placing this important legislation in it.

I am especially pleased this bill has two provisions I have worked on for years. These two fine managers continue the improvement. The first will expand eligibility for combat-related special compensation for disabled veterans whose combat wounds force them into medical retirement before attaining 20 years of service. The three of us have worked on this issue for many years. This is very important. Current law requires these wounded veterans to fund their own disability compensation. We end that practice and do right by these heroes.

The second provision will restore equity for disabled retirees that the VA has rated as unemployable. This is the only group of 100 percent disabled retirees who still suffer the unfair disability offset from their retired pay. This legislation will right that wrong.

I would be remiss if I did not express my disappointment that there were not

enough votes in the House to pass the hate crimes portion of the bill. There is a longstanding history of addressing hate crimes and actually hate violence in Defense authorization bills. It was only right and proper that we again did it this year.

The hate crimes portion would have made America a safer, better place. It would have given State and local law enforcement agencies the tools they need and want.

At a time we fight for equality across the globe, we ought to ensure equality in America. This issue will not disappear. We will keep fighting to give all Americans protection from hate violence.

Despite this setback, this is a bill that all 100 Senators can proudly support. At times of unprecedented challenges throughout the globe, this legislation will make us safe. At a time when we see a lot of waste, mismanagement, and misplaced priorities on the part of this administration and the people with whom they choose to do business, it reaches for a higher standard of integrity. That is what this legislation does.

At a time of tremendous strain on men and women in uniform, this legislation sends a strong message that we honor them, we respect them, and will always stand by them. I urge all my colleagues to send that message today by overwhelmingly passing this legislation.

Mr. President, I ask unanimous consent that all time consumed today be counted postcloture. I thought consent was ordered last night that took care of this issue. If not, I hope can have this approved.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, first, I thank my distinguished colleague from Nevada for his thoughtful remarks. While we may have differences on the course, direction, and policies, I don't know of any Senator who comes to the floor and can speak with greater sense of compassion on behalf of the men and women who wear the uniform and their families and those who have borne the brunt of this conflict, not only in Iraq but in Afghanistan and other places.

I also ask unanimous consent that my colleague from Virginia, Mr. WEBB, be granted 2 minutes. He worked with Senator MURRAY on the Wounded Warrior Act. I knew him very well when he returned from Vietnam. He served on my staff as a young Marine captain. Had it not been for what he suffered in that war, he might still be in the Marine Corps today.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator is recognized, I wish to thank the majority leader, Senator REID, obviously for the comments he made about me, which were extremely meaningful to me and will be memorable to

my family, although they will discount it hopefully somewhat. I also thank him for his leadership in this body and for the way he has fought for so many causes, not just for our veterans but our troops. Year after year, he is on this floor improving the situation for those who have been badly wounded, retired, and disabled. Without that effort, the progress we have made in the last few years simply could not have happened. I thank him.

I am glad Senator WEBB was able to get to the floor. I have already thanked him for his work on the Commission on which he and Senator MCCASKILL led an effort, a Commission on contracting in Iraq and Afghanistan, and there are so many other areas in which he is involved. I am delighted he was able to get to the floor for a few minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I do not want to take up too much time on the floor. All the salient points have been made, and I know the Senate is anxious to vote.

First of all, I echo the comments about the majority leader. He has to stand up and take a lot of hits on behalf of all of us. I know of no one who is more highly and sincerely motivated.

It has been a pleasure to work with the chairman, Senator WARNER, and Senator MCCAIN on the Armed Services Committee. I am also on the Veterans' Committee. We were able to work with both committees on the Wounded Warrior project.

I would like, very briefly, to give a special thanks to Senator WARNER, my senior Senator from Virginia, for having stepped forward on this wartime contracts commission and brought it to fruition after Senator MCCASKILL and I had spent a lot of time working on it and were in a situation where we didn't know if it actually was going to get into the bill. It was Senator WARNER stepping forward and ironing out a few of these provisions and leading the Republican side that made that possible.

Obviously, I am very strongly in support of the bill.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 433 Leg.]

YEAS—90

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Brown	Harkin	Reid
Brownback	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Salazar
Cantwell	Isakson	Schumer
Cardin	Johnson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	Webb
Dole	Martinez	Whitehouse
Domenici	McCaskill	Wyden

NAYS—3

Byrd	Feingold	Sanders
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NOT VOTING—7

Biden	Dodd	Obama
Boxer	Inouye	
Clinton	McCain	

The conference report was agreed to.

Mr. LEVIN. 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.

CORRECTING THE ENROLLMENT OF THE BILL H.R. 1585

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 269, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 269) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1585.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 269) was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. Reserving the right to object, I ask I be permitted to follow for 10 minutes, also as in morning business.

Mr. HARKIN. Mr. President, reserving the right to object—it is Friday afternoon. As chairman of the Agriculture Committee, I am seeking to get the agriculture bill done, and Members want to get finished and go home. We only have 1 amendment left on the farm bill, which can be disposed of. We can, I hope, shortly go to final passage on that. If we don't get to the farm bill we could be here for a long time. I say to my friends who are here, we do want to wrap up this farm bill.

Mr. STEVENS. I am happy to withdraw my request. I thought it would be a quorum call.

Mr. COLEMAN. Mr. President, I am prepared to withdraw my request if we are prepared to vote on the farm bill.

The PRESIDING OFFICER. Is there objection to the request as made?

Without objection, it is so ordered.

The Senator from Alaska is recognized.

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Mr. STEVENS. Mr. President, I come to the floor today to thank Congress for finally raising the mandatory retirement age for commercial airline pilots from age 60 to age 65. This language was included as part of the "Fair Treatment for Experienced Pilots Act," and allows our most experienced commercial pilots to continue providing safe air transportation for the Nation. The House approved the bill unanimously.

Since 1960, the FAA "Age 60 Rule" has restricted pilots age 60 and older from serving on any commercial flight operations. Under the rule, it is estimated that our aviation system lost 50 pilots every week.

Many in the aviation community, the FAA, and now Congress, have reacted to the realization that the Age 60 Rule has become outdated and discriminatory against one of Alaska's greatest resources, its experienced and seasoned pilots.

As my colleagues in the Senate know, the State of Alaska depends on aviation more than any other State. In our State we find that 50 percent of the commercial pilots are over 55.

The lack of highway infrastructure creates a situation where aviation serves as the traditional road system. More than 70 percent of our communities can only be reached year around by air, making aircraft essential for personal, commercial, cargo, and mail transportation to most parts of our State. Having experienced pilots to deliver goods and services to our communities is essential for Alaskans.

Many of our pilots contacted me and told me how the Age 60 Rule was impacting them.