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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplin Monsignor Joseph Quinn of St. Rose of Lima Parish in Carbondale, PA.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God of compassion and mercy, we pray this day that the esteemed Members of this august Senate of these United States will continue to write into law the story of a country that measures its success by God's standard; by how well it cares for the weakest, the neediest and the most vulnerable among us.

Give this noble body and all who assist it an outpouring of Your guiding spirit that they may forever be wise in their judgments and serve selflessly the best interests of all of the people of our beloved land.

Broaden their personal concerns that they may always seek the common good and be forever attuned to the hopeful cries of the least powerful in our society. Clarify their vision each day as they work together in search of the best ideas and most impactful strategies to meet the greatest needs of our day and age.

Lord, bless all of our Senators. May their faith in You and in the destiny of our great country keep them ever humble in Your service and consciously grateful for the extraordinary privileges and creative authority entrusted to them. And may this United States Senate be always a living sign of our national unity. May it be good news to the poor and instruments of peace for this world.

Lord God, in You we trust now and forever and in Your Holy Name we pray this day and always. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. CASEY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2284, a bill to restore the financial solvency of the National Flood Insurance Fund.

As a reminder, the Senate will recess from 12:30 until 2:15 today for the weekly caucus luncheons.

### WELCOMING GUEST CHAPLAIN

I ask for a couple moments of personal privilege.

Monsignor Joseph Quinn offered our prayer. I wish to say how proud I am to be here this morning to witness that. He is a very dear friend and someone who has, for many years, ministered to my family and to families throughout northeastern Pennsylvania in good times and bad.

We are grateful for his presence today. We are grateful he was able to offer the prayer. I will submit for the RECORD a fuller statement of some background material on his life. But he has been so much a part of the fabric of northeastern Pennsylvania.

He has often said that in large families, the joys are multiplied and sorrows are divided. We are grateful for his leadership as a priest, and now as a monsignor, but in a very personal way, for what he has meant to so many families in northeastern Pennsylvania. I am honored to be here to share a couple minutes with him and am grateful for his presence today in the Senate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

#### TANKER SURVIVABILITY

Mrs. MURRAY. Mr. President, I think we would all agree, especially in a time of war, that nothing is more important than the safety of our men and women in uniform. And nothing should be more important to our military commanders at the Pentagon.

But I come to the floor this morning because safety was not the priority when the military awarded the contract to build the next generation of refueling tankers. If that decision stands, if the contract goes to the European company Airbus, instead of Boeing, our servicemembers will be flying in planes that they and the military know are less safe. That has me very concerned.

During the tanker competition, the Pentagon considered numerous factors, including survivability; that is, the ability to protect war fighters when they are in harm's way. But even though they found the Boeing tanker was much safer, the Pentagon chose the Airbus tanker anyway.

Awarding a contract for a plane that is less safe makes zero sense to me. Why on Earth would our military choose a tanker that rated lower in safety and in survivability. That is the question I have come to the floor this morning to ask. It is one of the concerns I have raised in a letter I am sending today to the Joint Chiefs of Staff.

I know as well as anyone how important it is that we get these tankers up in the sky. I represent Fairchild Air Force Base in Spokane, WA. The air men and women at Fairchild fly those tankers. Refueling tankers are the backbone of our military. Everywhere we have troops in the world we have tankers. And right now our tanker fleets are in some of the most dangerous regions in the world. We know the war on terrorism will be long and it will be hard and that our servicemembers will continue to be in dangerous regions for some time to come.

We owe it to them to provide planes that will enable them to do their jobs safely and that will keep our aircraft safe as they refuel them.

But with this contract, the Pentagon did not make safety the top priority. Let me take a minute this morning to explain what I am talking about when I say that Boeing's plane was more survivable. Survivability refers to the ability to keep the war fighter safe.

According to Ronald Fogleman, who is a former Air Force Chief of Staff and a retired general: The more survivable tanker would have the systems to identify and defeat threats, avoid threats, and protect the crew in the event of an attack.

General Fogleman said he was surprised the Air Force selected the Air-

bus tanker, even though it ranked lower in all those areas. I wish to read you his quote:

When I saw the Air Force's assessment of both candidate aircraft in the survivability area, I was struck by the fact that they clearly saw the KC-767 as the more survivable tanker.

He added he believes the KC-767 is better for the war fighter and for the military. That is how he put it. He said:

The KC-767 has a superior survivability rating and will have greater operational utility to the joint commander and provide better protection to air crews that must face real-world threats.

By any measure, Boeing's tanker would be easier to operate under hostile conditions, and it would provide the crew with better protection. The KC-767 has the newest defense equipment available. According to the Air Force's own rating, it had better missile defense systems, better cockpit displays that allow our crews to recognize a possible threat, better armor for the flight crew and critical systems on the plane, and better protection against fuel tank explosion, amongst many other advantages.

But survivability is not only about the equipment on that plane, a tanker has to be able to take off and land faster. It has to be able to handle itself in a hostile environment. The best tanker is the one that is harder to shoot down. Our tankers are most vulnerable in situations in which the enemy can use shoulder-fired missiles and smaller gunfire, such as when the tankers are taking off or landing.

Compared to the Boeing 767, Airbus's tanker is massive. It is much bigger than the Air Force originally requested, and its size is problematic for many reasons. Not only are there fewer places for Airbus's tanker to take off and land, but as a larger airplane, it is a bigger target and it is easier to hit. The KC-767 is a much more agile plane, and it is safer for the crew and the aircraft that they are refueling.

Americans want our war fighters flying the best, safest possible plane. So I am asking today: Why would not the Pentagon?

Boeing has appealed the Pentagon's decision to award the tanker contract to Airbus. The GAO is now looking into that process. I look forward to seeing their decision. I think Congress has a responsibility as well. It is our job to check on the administration. We have to look out for the war fighter.

Some of my colleagues have said we need to move the process along quickly so we can get these planes in the hands of our airmen and airwomen. I agree. Refueling tankers are vital to the Air Force. But that is also why it is as important that they get the right planes, the planes that will allow them to do their jobs and keep them safe.

We have a responsibility to ensure we are making the right decision for years to come about the safety of our servicemembers and our Nation. That is why I am raising these concerns today.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

Mr. McCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, the Republican leader is recognized.

#### COLOMBIA FREE TRADE AGREEMENT

Mr. McCONNELL. Mr. President, last month, Democratic leaders in the House made a truly terrible decision. They opted to kill a free-trade agreement that had already been reached between the United States and Colombia, one of our closest, if not our closest, ally in Latin America, and a nation that has made great strides at democratic reform.

At the heart of the deal was an agreement that U.S. manufacturers and farmers would no longer have to pay tariffs on U.S. goods that are sold in Colombia. This would have leveled the playing field since most Colombian goods are sold in the United States duty free.

At a time of economic uncertainty at home, the Colombia Free Trade Agreement should have been an obvious bipartisan effort to bolster U.S. manufacturing and agriculture and to expand overseas markets for U.S. goods.

Unfortunately, the House leaders decided that the support of union leaders was, in this case, more important than our relations with a close ally or the state of the U.S. economy. That decision has already had serious and far-reaching consequences, and that is not just the view on this side of the aisle.

Virtually every major paper in the country was swift in condemning the House Democrats for changing the rules and blocking a vote on this trade agreement. They recognized that the decision was bad for our relations with Colombia, bad as a matter of national security, and bad for the U.S. economy.

Here are just a few of the headlines from newspapers across our country:

"Drop Dead, Colombia," said the Washington Post.

"Free Trade Deal is A Winner," said the Charleston Post and Courier.

"Approve Pact with Colombia," said the Los Angeles Times.

"A Trade Deal that All of the Americas Need," said the Rocky Mountain News.

"Our View On Free Trade: Pass the Colombia Pact," USA Today.