

**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$35 per coin for the \$5 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.
- (3) A surcharge of \$5 per coin for the half dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation to help finance the National Museum of the United States Army.

(c) **AUDITS.**—The Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2-commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. INHOFE. Mr. President, today I rise to express my support for an effort that I believe is long overdue. I am honored today to join Senator INOUE as a co-sponsor of the U.S. Army Commemorative Coin Act of 2008. As co-chair of the Senate Army Caucus and a former soldier, I am proud to pay tribute to the U.S. Army, which has dutifully served our Nation for over 230 years.

The Army is the only service branch that currently does not have a comprehensive museum honoring its members and veterans. The Commemorative Coin Act will help raise the revenue needed to build a museum dedicated to the men and women who have for so long protected the sovereignty and freedom of our country. The museum will serve to commemorate the enormous sacrifice of our soldiers, and will be a symbol of the Army's dedication to the fight for freedom.

Since the days of the Continental Army of the Revolution, to the highly

mobile and technological force of today, the U.S. Army has been the bulwark against which tyranny and oppression have consistently failed. It is time we permanently memorialize the sacrifice that the U.S. Army has given to the cause of liberty around the world.

I urge the Congress to quickly grant its approval to the U.S. Army Commemorative Coin Act of 2008.

By Mr. BYRD (for himself and Mr. ROCKEFELLER)

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am pleased to join with my friend and colleague from West Virginia, Senator JOHN D. ROCKEFELLER, to introduce legislation entitled the Wild Monongahela: A National Legacy for West Virginia's Special Places. Our legislation would designate additional wilderness areas in the Monongahela National Forest, located in eastern West Virginia. A bipartisan companion measure was introduced yesterday in the U.S. House of Representatives.

I have long supported efforts to provide permanent protections for our most treasured lands. Along with Senator KENNEDY and Senator INOUE, I voted for the original Wilderness Act in 1964. We can proudly say that the nine million acres of lands protected by the Wilderness Act has now grown to over 106 million acres in 44 States.

One of the most important sectors for economic development in West Virginia is environmental tourism. Our "Wild and Wonderful" slogan aptly describes the beautiful vistas, flower covered valleys, free flowing streams and rivers, and impressive sandstone formations, that can be found in the Monongahela National Forest. Inclusion of these sites in and nearby federally protected wilderness areas puts them "on the map" for those seeking an adventure in nature. Attracting these visitors is one of the keys to future economic growth in West Virginia.

Since the Forest Service released its new Forest Management plan for the Monongahela National Forest in September 2006, I have heard from many West Virginians wishing to express their strong opinions on proposals that call for new wilderness areas. I was particularly touched by a Christian youth group that visited my office. These young people spoke in personal terms of how a hike in these wild areas brought them closer to God.

Currently, the Monongahela National Forest has five protected wilderness areas, including Otter Creek, Dolly Sods, Laurel Fork North and South, and Cranberry. These areas comprise about 78,000 acres of land, approximately eight percent of the Monongahela's 919,000 acres.

Our legislation would designate seven additional areas for wilderness protection out of the 18 roadless areas evaluated by the Forest Service. Three of these are expansions of existing wilderness areas. These are the Cranberry expansion, Dolly Sods expansion, and the Otter Creek expansion. We propose four new areas for wilderness protection—Big Draft, Cheat Mountain, Roaring Plains West, and Spice Run. In all, our legislation would protect an additional 47,000 acres of wilderness. This would bring the total acreage of wilderness in the Monongahela National Forest to approximately 125,000 acres, or just under 14 percent of the total forest.

Our legislation would add a significant amount of land to those areas protected as wilderness. However, the vast majority of the Monongahela National Forest will continue to be available for the multiple uses envisioned when the National Forest System was first created. These include timber harvesting operations, wildlife and fish management, and recreation.

It is my hope that after much thought and reflection all West Virginians will see this proposal as a straightforward effort to reach a bipartisan compromise that has a true chance to become reality. The result will be that future generations of West Virginians and all Americans will be able to enjoy the benefits of God's creation.

I wish to thank my fellow members of the West Virginia delegation, especially Chairman RAHALL, for their hard work on this measure. Senator ROCKEFELLER and I look forward to working with Chairman BINGAMAN and Ranking Member DOMENICI of the Senate Energy and Natural Resources Committee to ensure that this measure is passed and signed into law this year.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 437—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO INVESTIGATE THE AWARDDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM**

Mr. DORGAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 437

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan

and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch;

Whereas the Senate Special Committee to Investigate the National Defense Program, popularly known as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities;

Whereas the Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars; and

Whereas the public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent: Now, therefore, be it

*Resolved,*

#### **SECTION 1. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.**

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this resolution referred to as the "Special Committee").

#### **SEC. 2. PURPOSE AND DUTIES.**

(a) **PURPOSE.**—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) **DUTIES.**—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) **INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.**—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) **EVIDENCE CONSIDERED.**—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

#### **SEC. 3. COMPOSITION OF SPECIAL COMMITTEE.**

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) **DATE.**—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) **VACANCIES.**—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **SERVICE.**—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) **CHAIRMAN AND RANKING MEMBER.**—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) **QUORUM.**—

(1) **REPORTS AND RECOMMENDATIONS.**—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) **TESTIMONY.**—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) **OTHER BUSINESS.**—A majority of the members of the Special Committee, or  $\frac{1}{3}$  of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

#### **SEC. 4. RULES AND PROCEDURES.**

(a) **GOVERNANCE UNDER STANDING RULES OF SENATE.**—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) **ADDITIONAL RULES AND PROCEDURES.**—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

#### **SEC. 5. AUTHORITY OF SPECIAL COMMITTEE.**

(a) **IN GENERAL.**—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) **HEARINGS.**—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, docu-

ments, tapes, and materials as the Special Committee considers advisable.

(c) **ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**—

(1) **ISSUANCE.**—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) **MEETINGS.**—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

#### **SEC. 6. REPORTS.**

(a) **INITIAL REPORT.**—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than 270 days after the appointment of the Special Committee members.

(b) **UPDATED REPORT.**—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) **ADDITIONAL REPORTS.**—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) **FINDINGS AND RECOMMENDATIONS.**—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 2.

(e) **DISPOSITION OF REPORTS.**—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

#### **SEC. 7. ADMINISTRATIVE PROVISIONS.**

(a) **STAFF.**—

(1) **IN GENERAL.**—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) **APPOINTMENT OF STAFF.**—

(A) **IN GENERAL.**—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) **MAJORITY STAFF.**—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) **MINORITY STAFF.**—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) **NONDESIGNATED STAFF.**—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) **COMPENSATION.**—

(1) **MAJORITY STAFF.**—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) **MINORITY STAFF.**—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) **NONDESIGNATED STAFF.**—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) **REIMBURSEMENT OF EXPENSES.**—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) **PAYMENT OF EXPENSES.**—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

#### **SEC. 8. EFFECTIVE DATE; TERMINATION.**

(a) **EFFECTIVE DATE.**—This resolution shall take effect on November 5, 2008.

(b) **TERMINATION.**—The Special Committee shall terminate two years after the date of the adoption of this resolution.

#### **SEC. 9. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.**

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Mr. DORGAN. Mr. President, I am going to be introducing legislation—I have previously introduced this—that deals with the construction in the Congress of what is called a Truman Committee.

In fact, President Truman was from the home State of the Presiding Officer and the ranking member of the Intelligence Committee on the floor. So the two Senators from Missouri, of course, I know harbor great pride in Harry Truman.

One of the interesting things about Truman's tenure here in Washington, DC was not just his service in the Senate and not just him being President, but one of the sources of pride was his stewardship of something called the Truman Committee.

At a time when a President of his own party was in power in the White House, he and the Congress created a committee here in the Senate to take a look at waste, fraud, and abuse in contracting, particularly in the military. It cost him \$15,000 to start it. Estimates are they saved \$15 billion—in dollars from that time. Think of that: \$15,000 to start the committee and saved \$15 billion.

Now I know there are some who will disagree, but I happen to think it is long past time for us to be far more aggressive to find out what is happening to all this money. I will give you a couple of examples. One I have used a lot—I shall not today—by bringing a towel to the floor of the Senate, but I have held up a towel that Henry Bunting

brought. He was a buyer for Kellogg, Brown, and Root, a subsidiary of Halliburton. He was a buyer stationed in Kuwait. One of the things he was to do was buy hand towels for American soldiers. So he filed out the order for hand towels. His supervisor saw it and said: No, we are not going to buy those hand towels; we are going to buy hand towels with the initials of our company embroidered on the hand towels, KBR.

He said: Well, that will almost triple the cost. He was told: That does not matter; this is a cost-plus contract. The American taxpayer is going to pick up that tab.

So they ordered the towels that cost four or five times more. It did not matter; the taxpayers pick up the tab. That little towel is a very small reminder of what has been going on and how much the taxpayer has been fleeced. There is so much more.

Why do we need to track these things? Well, Paul Mullinax is a good reason. I called Paul Mullinax one Sunday. He was a truck driver in Florida. Here is what Paul Mullinax did. This is a good example of contracting in FEMA.

Paul Mullinax drives a refrigerated 18-wheeler. He was in Florida. He got a call from FEMA when Hurricane Katrina hit. They needed ice down in the Gulf of Mexico. So Paul Mullinax, God bless him, drove up, and he picked up some ice in New York for a FEMA contract; picked up a load of ice in his refrigerated truck. They said: Take it to Carthage, MO. This is ice that is destined for the Gulf of Mexico for the relief of the Katrina victims.

He drove his truck from New York to Carthage, MO; got there, they said: No, you are not supposed to be in Carthage, MO; you are supposed to be in Montgomery, AL. So he turned his truck south and east and went to Montgomery, AL. When he got there, he said there were over 100 18-wheel trucks. They had him park. He sat there for about 12 days with his refrigerated unit running on his truck. After about 12 or so days they sent him to Gloucester, MA, to offload his ice. This is ice destined for victims of Katrina. He picked it up in New York, went to Carthage, went to Alabama, and then they said: Offload it in a warehouse in Massachusetts, 15,000 bucks for that truckload of ice.

There were another 100 18-wheelers sitting where he was sitting. Should somebody ask questions and say: Who on Earth is responsible for this? The answer is yes. Waste, fraud, and abuse in contracting is epidemic. It is unbelievable.

Connected to the Katrina issue, this is a photograph, of course, of 8,420 brandnew, never-used FEMA trailers clogging an unused airport. The question is: Who made that decision and why? Were there any consequences as a result of this decision? I do not know.

This is money wrapped in Saran Wrap. Hundred dollar bills. This guy, by the way, told me—this is in a base-

ment in Baghdad. This guy told me that they wrapped this money in Saran Wrap and occasionally threw it around like a football because it is about the size of a football—I have never wrapped hundred dollar bills. I have never seen that many hundred dollar bills. But if you wrap hundred dollar bills in Saran Wrap, I guess that is what it looks like. He said they actually threw them around like footballs in that room in Baghdad. The reason these were wrapped in Saran Wrap, with some rubber bands around them, is because this guy was in charge of distributing the money. He said we were paying contractors and subcontractors in Iraq, and our motto was: We pay in cash; you bring a bag.

This payment happened to be a \$2 million payment. We pay in cash, so bring a bag. He said it was just like the Wild West.

Question: Who is watching over all of this? Who is tracing it all? There is, I think, substantial evidence, with the release just 2 days ago of the Special Inspector General for Iraq, and another report, if you go through all of those reports, not just with Iraq, go through the reports on Katrina, and so many other similar examples, there is, I think, substantial evidence to lead one to conclude this is the greatest waste, fraud, and abuse in the history of this country.

Harry Truman, at a time when there was substantial concern about that, was able to get a select or special committee created here in the Congress, bipartisan; cost \$15,000 to create, they saved \$15 billion. Pretty successful. It ought to happen again. I am going to introduce legislation today, once again. We have voted on it several times previously. I propose that we once again create a Truman Committee, a bipartisan committee to investigate waste, fraud, and abuse, and on behalf of the American taxpayer say: This cannot continue. This has to stop.

I am going to make a longer presentation at some point, but I wanted to simply indicate that there is so much that needs to be done on this issue, and my hope is that at last, at long, long last, this Senate will adopt a select committee or a special committee similar to the Truman Committee.

If ever the American taxpayer deserved good Government, it is now, with something like this in which we can begin to unravel who got what and how we stop this from happening again.

**SENATE RESOLUTION 438—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 1867-2008"**

Mr. BYRD (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to: