

the eligible military voters and civilians overseas, only 5.5 percent of those eligible to vote and who actually tried to cast a vote had their vote counted—5.5 percent.

Now, if this were to happen in any city, in any town, any State here in our country, there would be a major public outcry. There would be newspaper headlines, and investigative reporters would be scrounging for information finding out who is denying the most basic civil right to American citizens that we have, which is the right to vote.

But for some reason nothing is done, either by the Department of Defense or the Department of Justice or by the Congress to make sure that those men and women who are deployed in harm's way have the opportunity to register to vote, and to make sure that when they do vote, their ballot is actually delivered back and counted on a timely basis.

This is something that I think all of us would support on a bipartisan basis, the Military Voting Protection Act. I intend to bring it up this morning with both the bill managers, Senator LEVIN and Senator WARNER. I hope I will be permitted an opportunity—

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. CORNYN. I thank the Chair. I hope I will be given an opportunity to call up this amendment and to have it voted on. I worry a little bit because of the fact that the majority leader has filled the amendment tree, and that there is some question whether amendments will be allowed on this bill.

As a member of the Senate Armed Services Committee, as is the occupant of the chair, I am usually familiar with the fact we are on Defense authorization bills for a matter of a week or more, usually 2 or 3 weeks, and it is usually a much amended bill because of the public interest in this particular piece of legislation.

I am worried that the majority leader is trying to compress all activity into this 1 week and we will not have an opportunity to offer important amendments such as the Military Voting Protection Act, which I have described, which I will come back to the floor and describe more thoroughly.

After a very bad year here in the Senate, we still have about 2½ weeks in order to pull the chestnuts out of the fire and actually accomplish some very important things by passing a Defense authorization bill, including protecting the voting rights of our military deployed overseas.

We have a chance to stand up for fiscal responsibility by actually passing some appropriations bills and by considering high energy prices and how those are affecting average Texas families and families all across this country, and driving up the cost of food and other commodities as well.

We actually have an opportunity, by eliminating the moratorium on offshore oil exploration and production,

to produce more American energy so we do not have to send \$700 billion a year overseas to other countries in order to buy something which we have an abundance of right here at home, as much as 3 million additional barrels a day right here in the United States, if Congress would simply become part of the solution rather than becoming part of the problem, which it has been by annually passing an appropriations bill rider banning drilling and exploration and production in the Outer Continental Shelf.

Last year, there was an amendment to an appropriations bill that would actually ban rulemaking and exploration and production of oil shale out in Utah, Colorado, and Wyoming, which has enormous capacity to produce a lot more American energy at home.

And then, of course, there is ANWR, where 2,000 acres, right in the middle of a desolate part of a 19-million acre refuge in Alaska, harbor untold amounts of oil, American oil, that would obviously, if produced, make it possible for us to buy less from countries that in some cases wish us harm and not well.

This is a national security problem. It is an economic problem not only for our country but for every hard-working family. I hope Congress will do what it has not done in the preceding months and actually act in a bipartisan way to solve some of these problems which I mentioned in a way that hopefully would make our constituents proud of us rather than disdainful, which is demonstrated, of course, by the historic low approval rating which Congress now—I was going to say enjoys, but certainly we do not enjoy that—now suffers.

EXHIBIT 1

U.S. SENATE,

Washington, DC, September 9, 2008.

Hon. MICHAEL B. MUKASEY,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR GENERAL MUKASEY: The recent government takeover of the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") raises serious concerns whether a well-documented culture of corporate executive corruption at these organizations contributed to the mortgage giants' collapse. I request that the Department of Justice begin a new, full-scale investigation into accounting fraud and other corrupt practices perpetuated by top executives—and coordinate efforts with the Department of Treasury and other regulatory entities to determine to what extent any illegal activities led to the institutions' failure. The public deserves a full understanding of the events surrounding the failure of Fannie Mae and Freddie Mac and, furthermore, corporate executives must be held accountable to the American people.

In May 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight (OFHEO), noted that "[b]y deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders." The investigation into illegal accounting practices resulted in fines levied on Fannie Mae and three of its top corporate of-

ficers—but no criminal charges. While the three corporate officers who overstated Fannie Mae's earnings by approximately \$10.6 billion may possess some form of prosecutorial immunity, it is imperative that there is accountability for each and every fraud perpetrated upon shareholders and the public. Moreover, the efficacy of prior investigations by OFHEO and Justice are further called into question in light of evidence of disturbing allegations of active interference on the part of Fannie Mae lobbyists. According to the OFHEO report, Fannie Mae "sought to interfere" with the OFHEO investigation by petitioning Congress to conduct a separate investigation of OFHEO. Furthermore, they allegedly lobbied Congress to cut OFHEO's funds for failure to fire the top official responsible for investigating Fannie Mae.

As the future of Fannie Mae and Freddie Mac is debated, it is essential for Congress to shine more light on the culture of corruption that plagued these institutions. But federal prosecutors and regulators also must vigorously investigate these institutions with the utmost urgency. Shareholders—indeed, all taxpayers—are entitled to a critical examination of Fannie Mae and Freddie Mac in light of the huge costs they are forced to bear as a result of the mortgage companies' demise.

Thank you for your prompt attention to this matter.

Sincerely,

JOHN CORNYN,
U.S. Senator.

Mr. CORNYN. I yield the floor and yield back any remaining time we have, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Levin (for Leahy/Byrd) amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force.

AMENDMENT NO. 5323

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Michigan on the Senate floor, the chairman of the committee, and the distinguished Senator from Alabama, a key member of the committee. I will speak on the Wartime Enforcement of Fraud Act. This was introduced last night. It is one I hope the Senate will wholeheartedly accept.

For more than 5 years, America has been fighting wars in Iraq and Afghanistan. In fact, we have been there longer than we were in World War II. But efforts to investigate contracting fraud during these wars continue to lag. Part of the reason is not because the authorities don't want to find out whether there has been fraud, but it is difficult to uncover fraud when you are in a shooting war and conflicts continue.

The problem is not new—this has happened before—and the solution is not new. Current law extends the statute of limitations for contracting fraud offenses during wartime to address this problem. In other words, if fraud has occurred, you have a certain statute of limitations. We would simply extend it. This commonsense law was passed by Congress during World War II with the support of President Roosevelt. A similar provision was passed in World War I. Those were wars in which we were involved for less time than we have been involved in Iraq and Afghanistan. Current law only applies to declared wars and not to circumstances where Congress only authorizes the use of military force rather than officially declaring war. So the extension of the statute of limitations doesn't apply to the ongoing wars in Iraq and Afghanistan.

The bipartisan Wartime Enforcement of Fraud Act will close that technical loophole. It will apply the law that we already have on the books, but it will apply it not only to declared wars but also to the wars in Iraq and Afghanistan. I was pleased to join with Senator GRASSLEY of Iowa earlier this year to introduce this legislative fix, and the Judiciary Committee reported this measure before the August recess. With each passing day, we are losing the legal authority to prosecute fraud in Iraq and Afghanistan because the existing law that extends the statute of limitations does not apply to these wars.

We have an obligation, no matter whether one is for or against the war in Iraq, to protect the public interest and certainly to protect taxpayer dollars during times of war. This simple amendment will allow us to do so. We have done that in past wars. Iraq and Afghanistan should be no different.

We have well-documented reports of fraud and abuse, as we have seen in

other wars. When we are spending billions of dollars, often in a hurry, it is an open invitation for people to put their own interests ahead of the interests of the country, and those people who then defraud our great Nation at a time of war should be punished for it. They should not be let off the hook. Too many brave men and women are putting their lives on the line in Iraq and Afghanistan. Too many brave, patriotic Americans are doing everything they possibly can over there, risking and often losing their lives every day. We should not allow those who want to make money out of their sacrifice and defraud the Government to get away with it. The bill being paid by the American taxpayers for the wars in Iraq and Afghanistan is high enough. As in past wars, Congress should do all it can to ensure their money is not lost to waste and fraud.

I hope Senators will join in this effort. This is not creating a new crime. It is simply saying those who do commit crimes, who do defraud America, who do defraud people who are over there serving our country, ought to be punished. I find it hard to think Members would disagree with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY for his amendment and his interest in dealing with a difficulty that has impacted real life. Contractors should be held to account, and there is difficulty in gathering the evidence necessary in a prompt way in a time of conflict to effectively carry out prosecutions—I can see as a former Federal prosecutor—within the time of the statute of limitations. There is only one concern I have about it, and I will address that in a moment.

But, fundamentally, the Senator is correct. We have discussed this a good bit in the Judiciary Committee, where Senator LEAHY is chairman. We did the Military Extraterritorial Jurisdiction Act that I sponsored and led the first one of those. We do have to be careful because it can have unintended consequences.

The trial of a marine in California for an act in Iraq that he was acquitted for just a few days ago resulted from the bill that we passed. I don't think any of us at the time thought that we were subjecting military persons to a civilian trial when we were dealing, we thought at the time, with defense contractors. We need to be careful as we deal with the issue. I know Senator LEAHY agrees with that. For the most part, I understand and support what he is attempting to do.

The statute of limitations is an important principle of law. It is something as a Federal prosecutor, as attorney general of Alabama, I had to deal with on many occasions. My colleagues probably know that an individual who commits armed bank robbery, if he is not prosecuted within 5 years, cannot be prosecuted. If a person commits

arson, they can't be prosecuted. It is not from the time of discovery of the offense, it is from the commission of the offense because we are talking about criminal law. We have a great heritage of understanding the difficulties faced when we put somebody in jail based on old evidence that is somewhat difficult to deal with.

With regard to civil actions, we have a number of statutes of limitations that commence on discovery of the wrong, but for the most part, except for murder, certain crimes, I think for almost all crimes dealing with death and maybe one with child sexual abuse, there is a limited statute of limitations.

The statute of limitations on most crimes in the Federal court, even serious ones, is 5 years. I do believe during the debate that we extended the statute on S&L fraud to 8 years. The truth is, these savings and loans would go bankrupt 4 or 5 years after the crime was committed. Then it takes 2 or 3 years to investigate it. By then the statute had run, and you have, red-handed, defrauding the people, and you couldn't prosecute the case. I understand the difficulties we are dealing with here.

Mr. LEAHY. Will the Senator yield for a moment?

Mr. SESSIONS. Yes.

Mr. LEAHY. We also have the case that most jurisdictions are under a statute of limitations. If you have a crime within a jurisdiction, but then the person flees to escape prosecution, the statute does not run in that circumstance. While this is not on all fours, when you have a war situation where people are shooting each other, it is very difficult to go over and just gather the evidence.

The Senator is absolutely correct. The bank robbery that occurs, you know it occurred at that moment. Somebody came in, put a gun to the teller's face, and stole the money and left. The investigators immediately start investigating the crime. Because of the person's jurisdiction, you have to investigate the crime and arrest them within the 5 years. Here the difficulty is investigating the crime when many times it is hidden. The crime is hidden, using the savings and loan example. I am simply trying to do what we did in World War II and World War I—I don't recall whether we did it in Korea or not—in past wars. I have a reluctance to give any cover to those who defraud us. We have so many contractors over there who are putting their own lives on the line, playing by the rules, doing everything right. They should be commended for that. We have others who try to take advantage of this situation when others are putting their lives on the line and sometimes losing their lives. We ought to nail them. I think we ought to nail them very hard.

Mr. SESSIONS. I agree. That is why we have passed the Military Extraterritorial Jurisdiction Act, why

we have expanded it, under the leadership of the chairman. I supported making sure that contractors were fully covered from the original act based on a crime that came to my attention where a young person was sexually molested and the host country didn't want to prosecute it and they couldn't be tried and court-martialed because the person was a contractor, not a military person. We made that possible.

Since we are in a world in which some of these authorizations to use military force may be very long indeed, it is determined not by what we do so much as by the actions of the enemy; that is, if they continue to attack us, I think our authorization of military force will continue many years perhaps. If the conflict ends, it could be ended sooner. So we could be in a position, just as a matter of law, of limiting the amount we are exposing a contractor to of criminal prosecutions for something that happened many years before, when actually in the fog of war, sometimes it is more difficult to handle things correctly. It would be certainly more difficult to gather evidence, and it is more difficult to get witnesses here and that kind of thing.

My suggestion would be that we do as we did with the statute of limitations on S&L fraud but have some sort of definite end to it because some of these extended wartime efforts could go on for a number of years. I don't see as a matter of principle, not specific facts, why a contractor who commits fraud in the United States gets the protection of a 5-year statute, even if it is against the Department of Defense, but one in Iraq, in the chaos of war that even affects them—their ability to maintain discipline over their workers is sometimes more difficult, frankly—that they would be prosecuted with an unlimited statute of limitations. That is something we could discuss, and I ask the Senator to think about it. I don't take any fundamental objection to the work he is doing. It is fundamentally sound and good, and I support it.

I will say this, if I could: In *Toussie v. United States*, the Supreme Court held:

The purpose of a statute of limitations—

Which I want to say is available in all cases, for all kinds of crimes, except very few, such as murder—

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity.

The Court has further held:

Passage of time, whether before or after arrest, may impair memories, cause evidence to be lost, deprive the defendant of wit-

nesses, and otherwise interfere with his ability to defend himself. . . . Possible prejudice is inherent in any delay, however short; it may also weaken the Government's case. . . . Such a [statute of] limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging [cases to be prosecuted promptly].

But I will say that is the only concern I have. I thank the Senator for raising this issue. It will definitely close a loophole.

I would note I had the honor last night to be on an airplane coming back from Alabama sitting by a young individual who served 2 years as a contractor in Iraq. He is going back for a third year. We talked about some of these things. I did not know this amendment was coming up. But he talked about that some of the people do not perform very well. Many of them are very hard working. Many of them are former military people who served with great distinction.

But in this time of war, some people do lose their discipline, and fraud is a matter of real risk. We do need to watch every penny, and we certainly do not need to have unscrupulous contractors billing the American people for work they do not perform, for making false claims to the Government. I think a statute of limitations probably needs to be extended in this case.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is an important amendment that appropriately recognizes the United States is now engaged in combat operations in Iraq and Afghanistan without a formal declaration of war. The amendment takes the appropriate step of modifying the statute of limitations to cases in which the use of force has been authorized without a formal declaration of war.

I very much welcome—and I am sure Senator LEAHY does as well—the support of the Senator from Alabama. I do not know of anybody else who wants to speak on this amendment. Unless the Senator from Alabama does, I will suggest then that we move on to the next amendment.

I understand there is going to be a unanimous consent request that may interrupt that flow, but before we get to that, if the Senator from Alabama knows of no other—first of all, let me ask the Senator whether he does know of any other speaker on the amendment.

Mr. SESSIONS. Mr. President, I am not aware of any.

Mr. LEVIN. Is the Senator willing to have this amendment voice voted at this time?

Mr. SESSIONS. I would like to discuss that a little more with Senator LEAHY, and perhaps he will convince me that my suggestion is not wise, so I would object at this time.

Mr. LEVIN. All right. If we could get the yeas and nays on this amendment so we could move on.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I understand, under the current order, we would now be moving to consideration of the Vitter amendment regarding missile defense for 2 hours of debate. Those who are interested in that amendment are urged to come to the floor so we could begin that debate. But at this time I will yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes as in morning business.

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

GOVERNMENT SPENDING

Mr. COBURN. Mr. President, I heard, this morning, the majority leader talk about the objection to the request by Senator GREGG. I do not believe there is anybody in this body who does not want us to fix the highway trust problem, and it will probably be the fact that there will be no amendments offered at the direction of the majority leader, which I think is probably somewhat tragic because we would not be able to have the debate we need to have on this issue.

But it should not be lost on the American public that some \$16 billion in the last highway bill was not for roads, bridges or highways. One of the amendments that was going to be discussed, had we had the opportunity to amend it—which we are not because the majority leader is not going to grant that opportunity—was the idea that of the \$8.5 billion we are going to put in there, no new projects ought to be started unless they are for roads, bridges or highways. In other words, we should not be building museums. We should not be building parking garages. We should not be doing ancillary work that does not have anything to do with true transportation needs associated with the trust fund. That was the only amendment we were going to offer.

All the States are going to be at a significant disadvantage if we do not do this. But I found it somewhat curious that before we left we had an omnibus bill that had to spend \$10 billion. We had to do it. We were contrasted as terrible because we did not agree with it. Now we have \$8 billion, and we want to do it, we want to debate it, and we are not going to be allowed to debate or amend it. I would think that is to the detriment of the body, that, again, we are losing the history of this body, we are losing the deliberative nature of the body, and at the whim of the majority leader, because we have an emergency, we have to have a unanimous

consent, we do not even have to have a vote, and that is the only way we can do it. I think it hurts the institution in the long run.

As far as what Senator REID said about the omnibus package he put forward, let me correct the RECORD. First of all, the childhood cancer bill was agreed to by unanimous consent. It was not even a part of that package he claimed it was. The irony is, as we heard from the majority leader's statement today his disdain for the largest deficit in history, do you realize the President of the United States cannot spend one penny unless we let him? If there is a deficit in this country, it says a whole lot more about this body and the House than it says about the President. We are the ones who approve the spending.

So far, this year, we are going to spend off-budget about \$270 billion. Where is that money going to come from? It is going to come from the next two generations paying it back. So I find it curious we have to have a bill that spends \$10 billion and then we are critical of the deficit and now we have to have a bill that is going to spend \$8 billion, but we cannot have any amendments and we cannot debate it in a thoughtful way and still get it done this week. We could get it done in less than 2 or 3 hours.

It shows you the lack of consistency. To be fair, Senator REID has a very difficult job. This is a hard place to manage, there is no question about it. But we are getting on the edge of a lack of fairness. We are getting very close to an edge where the traditions of the Senate are going to be thrown out the window.

As we look at it, as Senator REID complains about the deficit, I would remind that he sponsored \$531.2 billion worth of new spending in the 109th Congress. So far, he has sponsored \$56.7 billion in the first 8 months of 2007. So it is another \$150 or \$200 billion in this Congress. We cannot continue to have more and more new spending without getting rid of some of the spending that is not effective.

So when we have the claims that we are disgusted with the deficit, and then we can have \$500-plus billion sponsorship of new spending and routine votes against an earmark moratorium, against the idea of stealing money from Social Security to spend new money, against amendments that say we have a moral obligation to offset the cost of new spending so we do not charge it to our children, against prioritizing the reconstruction of Louisiana bridges instead of earmarks in Alaska, these are the votes of Senator REID.

So the disdain for the—and I have three pages of them by the way, all similar. So the fact is, our country is in trouble right now. We are going to have a trillion-dollar—a trillion; that is with a “T”—deficit next year. We have \$382 billion worth of documented waste and fraud every year in this Gov-

ernment. We have not had one amendment to get rid of any of it in this body this year that has passed, save the hippie museum in New York. That is it. We saved \$1 million out of \$380 billion of waste, fraud, and duplication.

So it rings hollow to come down and complain about the administration when they cannot spend one penny we do not send to them. We are at least as culpable and liable as the administration in terms of this deficit. To say we cannot debate and clean up the priorities of the transportation fund by saying it is going to be spent on some of the 240,000 bridges that are in desperate shape in this country and spend the money on highways and roads and bridges and not other things that benefit Members of this body but do not benefit the majority public and are outside the transportation goals of every State transportation department in this country rings hollow.

There are a lot of great things we can do. We can help people with disease. We can solve problems. He mentioned the Emmett Till bill. He objected twice to a compromise that the Emmett Till board had agreed to—twice—that Senator DODD had agreed to, that Senator BIDEN had agreed to. As far as the child pornography, Senator DODD and Senator BIDEN had agreed to that too. It was offered as a unanimous consent request twice. Both had agreed to it.

Is this about politics or is this about doing things for the country? I would tell you the evidence shows it is about politics. We need to wake up. Our country is at a crossroads. We had Fannie Mae, Freddie Mac taken over. The first number, of course, is low: \$200 billion. It is going to be \$600 or \$700 billion that we are going to charge to our kids for the mismanagement of those two agencies. That is going to get added next year. We are getting ready to do another emergency supplemental that everybody is piling things on. It is going to be \$50 or \$60 billion. It is going to be another free-for-all. It is going to fly through here in spite of my votes against it. We are going to do another stimulus package—none of it we have the money for. We are going to borrow every bit of it. We are compounding to make the problems worse. Because we will not work on the \$350 to \$380 billion worth of waste, and we would not even put an effort out toward that, we are going to continue to see a downward spiral in our economic position in this world.

So I would think most Americans, as we add \$8.5 billion back to the highway trust fund, would want us to see that it goes for highways, bridges, and roads, not for earmarks, special pork projects that make us look good at home that are outside the boundaries and the priority lists of the State departments of transportation. That was the amendment I was going to offer. I knew I was going to lose, but we ought to have the debate.

The fact is the majority leader does not want us to have the debate. We

could dispense with the bill in less than 3 hours, be done with it, and it could be going to the President, but we have decided we want to make it political. It is not about what is best for the long-term interests of this country, but about what is best for the upcoming election in November. To me that is a disservice to this body and it is a disservice to the American people.

I yield the floor.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VITTER AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I ask unanimous consent to call up Vitter amendment No. 5280.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. INHOFE, and Mr. KYL, proposes an amendment numbered 5280.

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

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

The amendment is as follows:

(Purpose: To authorize, with an offset, an additional \$100,000,000 for Procurement, Defense-wide, and an additional \$171,000,000 for Research, Development, Test, and Evaluation, Defense-wide, for near-term missile defense programs and activities)

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by \$100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to \$100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component ANTPY-2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to \$87,000,000 for Ground Based Midcourse Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to \$54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSS).

(C) Up to \$30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM-3 Block 1B missile in order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by \$271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

Mr. VITTER. Mr. President, I urge all of my colleagues, Democrats as well as Republicans, to come together on this important amendment to ensure that we have robust, full missile defense capabilities in this era of real threat, real uncertainty from terrorists, rogue nations, and others.

Tomorrow is September 11. It will mark the 7-year anniversary of one of the most tragic days in our Nation's history—a day in which 19 radical Islamic extremists believed their actions could cripple this great Nation. The good news is that those 19 extremists were wrong. Rather than cripple our Nation, they focused our Nation on the threat we face. They brought our Nation together with new resolve and with new strength. They gave our generation a new central and defining challenge to work to prevent any future attacks, particularly on our soil, and to make sure that terrorists and rogue nations never acquire weapons of mass destruction.

As part of facing this clear and present danger, the American public understands that we need a robust missile defense system. According to a national poll released today by MDAA, 87 percent of Americans believe the United States should have a robust missile defense system—the highest percentage of support ever recorded. The poll also showed that 58 percent of Americans believe there is a real threat from missiles carrying weapons of mass destruction, and that missile defense is a preferred option over preemptive military action.

Rogue nations, regardless of sanctions or disarmament deals, continue to pursue ballistic missile technology capable of one day carrying nuclear weapons, and this poses an enormous threat. On July 9 of this year, Iran tested nine ballistic missiles as part of their escalation in terms of military exercises and political rhetoric, and they are a clear example of this threat I am talking about. Currently, the United States has fully operational, deployed missile defense systems that can stabilize the region that Iran sits in—the Middle East—but we need to make sure we have the full capability to bring to bear to do this. In this situation, missile defense can stabilize a situation, can provide enormously important defense for our country and for our allies, and can avoid much more widespread war. That is the reason 26 countries of NATO have fully endorsed this missile defense plan, with a third site in Europe. It is the reason the Czech Republic agreement on missile defense is valid and is moving forward. It is the reason why 11 Congresses and 4 U.S. Presidents have moved forward on this important part of our national defense. The Vitter amendment No. 5280 will move that part of our national defense forward in a significant way.

What does it do specifically? Specifically, this amendment provides \$271 million to the Missile Defense Agency so that it responds to near-term—very near-term—ballistic missile threats to the United States, our deployed forces around the world, and our allies. This amendment is fully offset within the bill.

The Senate Armed Services Committee itself noted in its committee report that the Joint Capabilities Mix Study conducted by the Joint Staff concluded that the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. So we need twice as many as what is currently planned. Yet, at the same time, the committee unfortunately cut \$411 million from the budget of the Missile Defense Agency. This Vitter amendment would reinstate \$271 million of that cut. It would do that in four areas in particular:

Aegis cruisers. It would authorize \$54 million to accelerate upgrade with an additional two Aegis cruisers to equip it with ballistic missile defense systems.

It would authorize an additional \$100 million for THAAD fire units 3 and 4 interceptor and ground component advanced procurement.

SM-3 Block 1B risk reduction. It would authorize another \$30 million to reduce SM-3 Block 1B schedule and technical risks.

Targets. It would authorize \$87 million to implement a rolling target spare and maintain minimal inventory to have full targets for our testing and production capability.

This is sorely needed so that we ensure our citizens that we have the mis-

sile defense deployed that we need in this very dangerous world.

Again, this concept was first developed by President Reagan when the Cold War was still raging, when the Soviet Union was still our primary threat in the world. Obviously, the world has changed in fundamental ways since then, but it has only changed in ways that make missile defense even more important than ever before, because the threat from rogue nations, from terrorist States, and from terrorist groups has grown enormously and missile defense is even more important in light of that growth.

I urge all of my colleagues to come together in light of that on the eve of September 11, on the eve of the seventh anniversary of that tragic attack on our Nation. We must restore this \$271 million, at a minimum, in this bill to the Missile Defense Agency. As I said, the committee itself noted that the Joint Chiefs report says the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. Yet the committee cut \$411 million from that missile defense budget. We must restore at a minimum this \$271 million to continue to meet this vital need for our citizens' safety.

With that, I yield to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I come to the floor today to support Senator VITTER's amendment to authorize the additional \$271 million which is fully offset—it is fully offset—to the Missile Defense Agency.

The importance of missile defense is increasingly crucial to the safety of the United States and our allies. The United States must maintain the capability to respond to near-term ballistic missile threats that present grave danger to the United States, our deployed forces, and our allies.

We know that rogue nations such as Iran and North Korea will have the capability to use nuclear weapons. We cannot escape the fact that this widespread proliferation of ballistic missile technologies makes it increasingly possible for dangerous States and terrorist organizations to obtain and use them for harm.

We are in a crucial time in our Nation's history and we should understand the importance of defense of the homeland. I am frustrated that as other nations continue to develop nuclear programs, that as Russia has demonstrated a renewed capacity for aggression, that as China and North Korea press forward on missile technology, the Armed Services Committee cut more than \$411 million from the administration's request for the Missile Defense Agency's program.

The United States has worked hard to reach agreements with the Czech Republic and Poland to establish ballistic missile defense radar sites. This was a monumental and important step

in our efforts to protect the United States as well as our NATO allies from the growing threat by the proliferation of ballistic missiles. Radar will provide precision tracking of ballistic missiles launched out of the Middle East and will be linked to other U.S. missile defense facilities in Europe and the United States. Cuts to our missile defense program simply undermine this progress and signals to NATO that the United States is backing away from our commitments to a European missile defense.

This amendment will authorized \$54 million to accelerate and upgrade an additional two Aegis cruisers to equip with ballistic missile defense systems.

Admiral Hicks, program director for Aegis BMD, recently stated the need for additional Atlantic fleet ships for defense of the United States, our allies, and our deployed forces.

The amendment will authorize an additional \$100 million for THAAD fire units interceptor and ground component advanced procurement. It will authorize an additional \$30 million to reduce SM-3 schedule and technical risk. This is the premier missile defense cooperation program with our Japanese allies. And it will authorize \$87 million for a target spare and to maintain minimal inventory as contingency for additional short notice test events for the Ground Based Midcourse Defense. This is Missile Defense Agency's top unfunded priority. The SASC Committee report notes that for some MDA systems the Director of Operational Test and Evaluation requires additional tests to prove out capabilities, which necessitates additional target sets.

There is no doubt that the United States will continue to face missile threats. Missile defense is needed and should have been made a priority of this committee and by this Senate. I thank Senator VITTER for bringing this amendment to the floor, and I urge this Senate to vote yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I, too, very strongly support the amendment offered by Senator VITTER. This is an amendment that restores only part of the funding that was cut from the missile defense programs—only \$270 million of the \$411 million that was cut—and it is targeted to very specific things that have near-term applicability, and that enables us to do more testing, which has been the only criticism of which I am aware of the Missile Defense Program—that we need to do additional testing. Part of this money, as I will discuss in a moment, gives us the ability to conduct some of those tests.

So the key point is, we are talking about near-term ballistic missile threats to the United States. This isn't some long-term, pie-in-the-sky proposition. It would assist both our allies and also U.S. forces deployed abroad as well. It is common sense. I hope it re-

ceives wide bipartisan support. I believe there is bipartisan support for this issue.

Let me discuss, first, a little about what some of the near-term threats are. They are both from belligerent nations and, as we will see in a moment, one from a country in particular that is not yet capable of communicating appropriately with its forces, with the result that there is a threat of accidental or unauthorized launch. We sometimes forget that. We are consumed with North Korea and Iran, and therefore we appreciate the fact that we have to have some capability of protecting ourselves and our allies from potential threat from those countries. But one of the reasons President Reagan first thought it would be a good idea to have a missile defense system is, he said it is moral. Not only does it give an alternative to massive retaliation against an enemy, but it also provides protection in the event there is an unauthorized or accidental launch.

In the early days of missile development, that was not at all outside the realm of possibility. With what happened to the Soviet Union when it broke up, that possibility was raised again. Now, as we note in the case of China, developing sophisticated weapons, but without the infrastructure to control those weapons, there is again the potential for an unauthorized or accidental launch, not to mention the situation with countries such as North Korea or Iran. We are not just talking about a threat of belligerency but also the potential for an accident, and missile defense, of course, is the primary way of defense against an accidental launch.

Just to summarize briefly, there are now 27 nations that have ballistic missile capability. We tend to think of Russia, China, North Korea, Iran, and maybe a few other countries, but 27 nations have ballistic missile capability, and the knowledge to build and use them is proliferating rapidly. Much of this is because countries such as North Korea are willing to sell missiles, such as the Scud which Iraq used, and they then develop their own types of missiles with that technology. But there are 27 countries. We will not be able to put that genie back in the bottle. Talk about Iran.

Some people say, well, the launch of all of these missiles earlier this year they took pictures of and then doctored the pictures might have been clumsy and didn't demonstrate new technology. It did demonstrate that Iran wants to be part of the club of nations with ballistic missiles and weapons of mass destruction capability. They have that capability. There is no question they have it. The only question is, how far beyond Israel does its capability currently go?

As the latest IAEA report informed us, the Iranian missile threat is real and growing. I mentioned North Korea. With the difficulty of knowing who is

in charge of North Korea today, we need to be concerned. We don't even know if the "dear leader," or however he is referred to, is still alive or is functioning as the leader of the country. As a result, that country that has nuclear weapons, other weapons of mass destruction, and the means to deliver them by ballistic missiles that can even reach the United States ought to be a matter of concern for us.

Fortunately, the United States had made operational our first land-based system just before the big July 4 launch a couple years ago by the North Koreans. We could have defended against that test launch had we had to do so, but with very rudimentary capability. The intelligence community "deems that North Korea is nearly self-sufficient in developing and producing ballistic missiles and is willing to provide them to existing and new customers." Some of these are capable of reaching the United States. So you have a real and growing threat from a country that is clearly not stable.

I mentioned China. It has for a long time had the capability of delivering weapons of mass destruction to the United States with its ballistic missiles. There is an interesting new twist. The 2008 annual report on the People's Republic of China raises serious questions about the potential for an accidental or unauthorized launch. This is a nation which, by the way, is increasing its arsenal of ballistic missiles. In addition to that, it has a very robust program to modernize its nuclear weapon warheads. So it has the combination of the warhead and improved capability. This report says China has problems communicating with its submarines at sea. This is very dangerous, with a navy that has no experience in performing strategic protocols of the kind Russia and the United States have performed for years. What's more, the land-based strategic missile forces "face scenarios in which missile batteries use communication links with higher echelons and other situations that would require commanders to choose alternative launch locations."

The bottom line is, whatever you think about a potential threat from an enemy, you have to be concerned about protecting against an accidental or unauthorized launch. Missile defense is the way to do that. As a result, I hope those folks who say, well, China isn't an enemy of the United States today, would at least acknowledge while that may be true, it is also true it has the capability of harming the United States accidentally or in an unauthorized fashion, and missile defense is our only way to protect against that. I think it would be an awful situation if something like that were to occur and the United States Congress would be asked by our constituents: Did you all know about this?

Well, yes.

Did we have the ability to do something about it?

Yes.

How much did it cost?

Not all that much, as these numbers reflect.

And you didn't put into place a program to protect us against that?

I think we ought to put this program into effect. I support the amendment of the Senator from Louisiana.

Let me describe again what specifically is in the amendment to assure our colleagues that this is not some massive expansion or pie-in-the-sky proposition. It authorizes funding, first, for the advanced procurement of two THAAD fire units. That is the terminal high altitude area defense, the near-term threat—our capability of meeting that threat.

Second, risk reduction for the development of an advanced version of the SM-3 missile—that is kind of a standard critical missile in the U.S. inventory—additional target sets to respond to additional testing requirements set by the Defense Department's Director of Operational Test and Evaluation.

Frequently, the concern is expressed: Well, we should not be moving forward with missile defense programs because we have not adequately tested yet. These are, of course, programs that have been tested a lot. They are the near-term threats. But to the extent that the Department's Director indicated there are additional tests that could be done, this provides the target sets for those tests. You cannot conduct the tests without it. For those who criticize the program for not having enough tests, this is the *sine qua non* for getting tests done. You have to support this.

The amendment also authorizes funding to accelerate upgrades of two additional Aegis cruisers to equip with the ballistic missile defense systems. This is something that I think virtually everybody in Congress, and certainly at the Pentagon, is supportive of—the ability of the Aegis cruisers to carry this defense to other parts of the globe so that it can more readily respond to a launch. This would be the perfect way of responding to that accidental launch I mentioned.

Admiral Hicks, the program director for the Aegis BMD program, stated the need for additional Atlantic fleet ships to keep a presence there as well. That would defend against a threat from a country such as Iran. The Armed Services Committee, in its report accompanying the bill, stated the joint capabilities mixed study, conducted by the joint staff and combatant commanders, concluded that the United States needs about "twice as many THAAD and standard missile interceptors as the number currently planned." This doesn't by any means fulfill that entire requirement, but it lays the foundation for doing so. I think that is another critical reason for this amendment.

As I said, the committee cut \$411 million from the budget of the Missile Defense Agency to procure these systems. I don't understand why the committee would both acknowledge the need for

additional missiles and then cut the items out. I understand the committee has a lot of different constraints, different needs, and it is difficult to satisfy everybody. You have to cut somewhere. But I think my colleagues would agree that the relatively modest increase that the Vitter amendment provides is for very specific things, recognized by the committee itself, recognized by the combatant commanders, as needed. There is nothing new here or nothing that is pie in the sky. These are things that are required. We need them now.

With regard to the testing, if the criticism is that we need more tests, this provides funding for those tests.

Mr. President, it is a commonsense amendment. It is limited. It is all backed up; all of the requirements are fully supported. I urge my colleagues to support this amendment. There is a lot going on in this world. Unfortunately, when you are doing something as complex as developing missile defense systems, there is a long lead time. It takes a lot of technology and testing and so on. So you cannot wait until the last minute to put this into effect. That is why this should be carried forward in the authorization for this year's defense programs.

I commend the committee for its work. It basically acknowledged the need for these things. I appreciate that it sometimes has to make cuts. I ask my colleagues to recognize this is an area in which we cannot afford to try to do it on the cheap. Therefore, I urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to respond to the Senator from Arizona, who is my friend. But I want the Senator to understand that the committee did not cut THAAD nor the Aegis. To the contrary, the committee raised, for the very reasons the Senator from Arizona said—that we need more THAAD for our area commanders—we raised that \$115 million, as well as the Aegis ballistic missile defense. We raised that \$100 million from what was requested. So let's make sure we know what we are talking about.

Mr. President, what this all boils down to is the National Missile Defense Program is requested by the administration for \$9.3 billion of authorization in this bill. In essence, this whole argument is that the committee has pared back that \$9.3 billion request by \$400 million.

That is what all this argument is about. It is an attempt to increase back that funding of a *de minimis* cut in a \$9.3 billion program. Given all the other requirements we have in the U.S. Government and given all of the other requirements we have in the Department of Defense, should we have a modest decrease from the President's request of \$9.3 billion in 1 year?

I suggest that there are so many other demands. Think about body

armor. Think about getting the V-shaped hulls of MRAPs that are so resistant to the improvised explosive devices they run over on the road and that are saving marines' and soldiers' lives. Ask any commander in Iraq or Afghanistan what are their high priorities. Ask the commanders if THAAD, which is an intercept that can be launched from a mobile launcher, is an important program to them to intercept an incoming intermediate-range missile and you will get a quick answer from those military-area commanders that is what they want.

That is the philosophy we have tried to adapt in this bill and at the same time allow national missile defense research to continue but recognizing there are other priorities besides national missile defense. So we just took a *de minimis* cut out of a \$9.3 billion request by the President. That is what all of this flap is about here: Is national missile defense going to have a minor cut so that we can do some of these other priorities for protecting our troops and satisfying their commanders' requests? That is what all this is about.

The Vitter amendment proposes to cut \$271 million from the rest of the Defense Department and add it to the Missile Defense Agency. This is not funding that the Defense Department has requested. These are programs that are fully funded in our Armed Services Committee bill. But this amendment would give the Secretary of Defense an extraordinary and unwarranted power; that is, the power to cut any items in the defense budget that the Congress is putting in here in order to pay for this increase in an already flush national missile defense budget we have provided.

As the chairman of the Strategic Subcommittee, I can tell you that we have some of the Nation's most sophisticated weapons systems, many of which we cannot even speak about here because of their classification. This is not a good allocation of priorities.

I don't think we would want to give the Secretary of Defense the authority to ignore the will of Congress.

For example, would we want the Secretary of Defense to be able to go in and, in order to fund this amendment, cut body armor or would we want him to be able to go in and cut what the commanders in Afghanistan now are begging for—more of these V-hulled vehicles, which replace the humvees, that are saving our boys' and girls' lives called the MRAPs? Of course, we don't want that.

Would we want the Secretary of Defense to have the authority to go in and cut \$271 million from the \$430 million in the bill for sustaining the Joint Strike Fighter, its alternate engine which the Department supports? Of course, we wouldn't want to give the Secretary power to do that.

Would we want to give the Secretary the power to go in and totally wipe out the additional \$118 million we provided

in this bill for operating a full B-52? The Department opposed that. Would we want to give the Secretary the ability to override the will of Congress to do that?

How about the F-22, the most sophisticated fighter aircraft? Would we want to give the Secretary of Defense the power to go in and cut half of the \$500 million we have provided in this bill for advance procurement of the F-22? I don't think we would want to do that, but that is what we would do, is give the Secretary the power to do that if this amendment is adopted.

Would we want to give the Secretary the power of reducing the Army budget request of \$512 million for the Patriot missile? Talk about countries and allies and force protection for our own troops of incoming warheads—the Patriot missile is a quick-reaction missile that intercepts those incoming missiles on our troops in a theater. Would we want to cut the increase we provided in this bill? This amendment would give the Secretary the power to do that.

Would we want to eliminate the proposed addition of \$170 million for advance procurement of another amphibious ship called the LPD-17? I don't think that is what we want to do, but that is what this amendment is going to do, all under the ideology that we haven't provided enough for national missile defense. But we have provided almost \$9 billion in this bill for it.

We have to set priorities and we have to allocate for programs that we want to make sure are there for the protection of our troops and our allies, and that is what we tried to do. Didn't we have a unanimous vote coming out of the committee for all of these priorities? We did. So why do we want to suddenly change the unanimous, bipartisan support of the Senate Armed Services Committee to adjust all of these priorities? Why would we want to change that? Because there are some people who say ideologically we want to pour more and more money into national missile defense. Isn't \$9 billion enough for 1 year?

This Senator respectfully requests that the Senate listen to reason and common sense in the allocation of priorities. The committee recommends already—as I stated to Senator KYL, we have added \$215 million for THAAD, which is the terminal high-altitude aerial defense which commanders are requesting, and we have also added that total amount of money, including the Aegis Ballistic Missile Defense Program, which is launched from a ship and is very effective for incoming warheads.

We certainly agree there are potential threats from North Korea and places such as Iran, but those threats are generally in the neighborhood of where they are. That is why Aegis from a ship is so effective, and that is why THAAD from a mobile platform is so effective. We have plussed up those programs. They shouldn't be cut. But the Secretary of Defense, under this

amendment, would have that authority.

The Vitter amendment would not make any choices about where the additional money to provide for this plus-up to an already rich and robust national missile defense budget would come from. This amendment would not make any choices about where that additional money would come from. So what it says is that this \$271 million in additional funding for missile defense, programs that we have either fully funded at the level requested by the Pentagon or increased in our committee bill by \$215 million—that program is so important that the Secretary of Defense could cut any other funding program in the Pentagon to pay for it. I don't think that is a responsible way to go.

This Senator, as the chairman of the Strategic Subcommittee, will oppose the amendment. It is my hope that Members on both sides of the aisle, members of the Armed Services Committee, will support the committee product.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to a couple of points that were made, and then Senator VITTER wishes to make some additional comments.

The Senator from Florida suggested that I have said that THAAD was cut. I don't believe I said that. What I did was quote from the Armed Services Committee in its report on this bill in which it is stated that the Joint Capabilities Mix Study, conducted by the Joint Staff and combatant commanders, concluded that the United States needs "about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned."

My point was that by what the Senator from Florida calls a de minimis and minor cut of \$411 million—I guess only in the Senate could someone consider \$411 million de minimis money. That is a lot of money, and it is taken out of the Ballistic Missile Defense Program. I guess what the Senator was saying is that cut doesn't hurt the THAAD Program or the Aegis Program. The committee referred to the study which said we need twice as many THAAD and Standard Missile-3 interceptors, and part of what this add-back does is enable the military to acquire some more of those missiles.

I didn't suggest they had cut it. What I said was they didn't meet the requirement they themselves identified in the committee report, and one of the things the amendment does is add money for those two items.

The other two points I would like to make are these:

No. 1, we provide that the Secretary of Defense does have the ability to fund this out of some programs. The Senator from Florida says this is extraordinary power. No, it isn't. This is the way it is frequently done. And I am not

going to assume the Secretary is going to make irresponsible decisions about where he would get the money. Some of the items the Senator from Florida mentioned—MRAPs and body armor—are not in the program from which the Secretary could get the money to offset this \$271 million. So that is not a response.

Finally, those people who support these requirements, those of us who have supported the Vitter amendment, take some exception to the reference to this amendment as an ideological amendment. If it is ideological, then the committee's report is ideological because we are quoting from the committee report and saying we would like to fulfill the requirements which the committee report said existed and which the committee did not fully fund. If that is ideological, so be it. If that is intended to be a pejorative term, I take exception to it. If it is ideological to protect the American people from an accidental or unauthorized launch of a ballistic missile, then I guess maybe my position would be ideological.

I call it common sense to try to restore some of the \$411 million that was cut for programs that the military says it needs, the commander who says he needs the additional Aegis cruisers, for example, the additional SM-3, the additional THAAD missiles that are needed. It seems to me that you can argue over whether, in view of all of the priorities, this is a priority that should be funded, but you cannot say it is not a priority or that the committee and the military don't believe it is important or that it somehow is ideological when the committee and the Pentagon and the Navy, in the one case, for example, have all said these are items that need to be done.

Finally, with regard to those people who say: Well, we never have enough testing, we are trying to respond to that criticism by saying: All right, in order to have tests, you need the equipment for the test. Part of what this amendment does is to restore funding for those items.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would say to my good friend from Arizona, first of all, recognize how much we have spent on national missile defense. We have spent over \$150 billion on national missile defense. In this 1 year, the request is \$9.3 billion, of which the committee felt like there were other priorities for \$400 million of that. That is a reduction of only 4.2 percent in a program that has spent \$150 billion—\$150 billion—to date. Now, that is a de minimis cut when you have so many other priorities in the budget of the Pentagon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could also respond briefly, again, I simply disagree with my distinguished colleague from Florida that \$411 million is

pocket change, de minimis, doesn't make a difference. It will make a difference in terms of missile defense, our capability, and the defense of the American people.

It is important to restore a good part of that, and specifically this amendment proposes restoring \$271 million. That is real money. It makes a real difference. And in today's world of threats such as North Korea and China and Iran, this is a top defense priority.

Secondly, I appreciate the Senator's support of very crucial systems. He is exactly right, they are bottom-line crucial systems such as THAAD and Aegis. But again, the committee didn't cut those programs. It put some more money into those programs but not enough to meet the need that the committee itself recognized. In fact, even this Vitter amendment doesn't get us the whole way there. The committee itself recognized, citing reports of the Joint Chiefs, we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. The committee's bill doesn't get us there. In fact, even this Vitter amendment doesn't get us fully there, but it goes much further down the line in terms of getting us there, in terms of immediate near-term needs, such as THAAD, such as Aegis. I agree with the distinguished Senator from Florida, those are crucial programs with real near-term impact.

Third, all the possible offset cuts that the distinguished Senator from Florida mentioned are not allowed under this amendment. Every example he gave cannot be used as an offset cut under this amendment. Under this amendment, this \$271 million can only be offset with cuts to defense-wide accounts, not program-specific accounts, not service-specific accounts. Therefore, every one of those examples was a program-specific account, was a service-specific account and can't be cut, will not be cut. We are talking about broad defense-wide accounts, such as administrative accounts, O&M accounts. I appreciate the Senator's concern, but those specific examples cannot come to pass. Those programs cannot be cut.

Fourth and finally, I agree with the distinguished Senator from Arizona. This isn't an ideological amendment. This is a practical amendment in defense of the American people. When we look around the world today, in a very dangerous time, with all sorts of new looming threats, this is bottom-line practical. The three examples the distinguished Senator from Arizona gave are perfect examples. North Korea, with nuclear capability, with ballistic missile capability. It is very practical to make sure we have a robust defense against that very unpredictable country in a time of dangerous leadership transition.

China, as my colleague from Arizona said, is a power that is coming into its own, but there are real dangers there because, as the Senator from Arizona

said, it doesn't have the communication capabilities it needs to match the enormous force and strength of its military. So there are real threats and real possibilities of accidental or unauthorized launch.

The best example, the most worrisome example of all, is Iran. We debate, with increasing frequency, the choices we may have to make, sooner rather than later, in terms of Iran's march to be a nuclear power. Whatever we think about what measures we should consider, nonmilitary as well as military, however we come down on that very difficult issue, certainly we should all agree that having a robust missile defense system is something that is useful and important to have in that scenario on the military side. Certainly, that is better than simply being more limited to offensive-only capabilities, only the capability to take preemptive action. Certainly, we can all agree it is better to have that robust missile defense capability rather than purely offensive or preemptive capabilities.

So with North Korea and China and Iran, this is very practical. This is setting the right priorities in terms of looking around the world and understanding a wide array of very worrisome threats. And \$411 million is real money. We don't restore all of that. We restore \$271 million. It goes to specific uses that, again, will help advance important systems such as THAAD and Aegis toward the full capability the committee itself recognized and that is fully offset and paid for within the bill.

Mr. NELSON of Florida. Mr. President, I wish to respond to the Senator from Louisiana, but I would first like to ask unanimous consent that after my response, the majority leader have time as in morning business.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, is my understanding correct that we will then return to the Vitter amendment? I ask unanimous consent that we then return to the Vitter amendment.

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

Mr. NELSON of Florida. Well, Mr. President, I wish to respond, but all I can do is read the amendment of the Senator from Louisiana.

On page 4, starting at line 6:

The amount authorized to be appropriated by this division . . . is hereby reduced by \$271 million, with the amount the reduction—

And it goes on to say—
to be allocated . . . in the manner specified by the Secretary of Defense.

What do the words "this division" in his own amendment mean? It means everything in the Pentagon, the Department of Defense spending, minus military construction. So when he says the amendment would not allow the Secretary of Defense, at his discretion, to cut all these things I have listed, that is incorrect. That is what the amendment says, as it is drafted.

I would add this gets down into the weeds, but since a lot of this is very arcane, there are some additional concerns regarding the Vitter amendment that I will mention for the record. The amendment proposes an additional \$87 million for targets, for flight tests. But those funds would, instead, go to the Ground-Based Midcourse Defense Program. That is in the wrong place because the targets program is managed in a totally separate office. So any additional funds for targets should go to the test and targets funding line, not to the Ground-Based Midcourse Defense Program.

I said this is in the weeds, but we have to get in the weeds to talk about how this amendment is flawed.

Another example is the proposed \$54 million to convert two Aegis cruisers to the missile defense configuration. Well, the Navy doesn't plan on doing two such cruiser conversions, and this amendment might be a problem for the Navy. It is better to simply refer to "ships" rather than cruisers. In any event, we should get more information before we authorize something where we don't know what we are doing.

Additionally, the amendment would propose \$30 million for technology risk reduction to one component of the Standard Missile-3, called the Throttling Divert and Attitude Control System, pronounced TDACS. Well, rather than put all those funds into this one piece of the Standard Missile-3, it would seem like it would be better—and this is according to the Missile Defense Agency—it would be better to provide funds for the overall Standard Missile-3 Development Program. That would be doing a lot more good than the proposal in this amendment.

So I think even down in the weeds there are a lot more objections to this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

AFGHANISTAN

Mr. REID. Mr. President, I deeply appreciate the Senators engaged in the debate on the amendment offered by Senator VITTER allowing me to step forward and give a speech. I have been looking for an opportunity to do this. I traveled in August to Afghanistan with a bipartisan Senate delegation. I remember a lot of things about that trip, but probably the most stunning was a statement made by Ambassador Wood, the American Ambassador to Afghanistan. He said you could take Afghanistan, pick it up and move it to the poorest country in all of Africa, and the African country would say: Now, that is really poor.

Afghanistan is very poor. I have had the good fortune, in my many years in Congress, to travel to many places in the world. I have seen some very economically depressed areas, but Afghanistan is the topper.

During my trip to Afghanistan, I met with general officers, I met with troops. We traveled to Kyrgyzstan, to

Kazakhstan, allies in our fight against terror, and every place I went, I had the opportunity to meet with officers and, of course, the troops. They are fighting on the frontlines every day. During my meetings with the generals and the troops, they reinforced to me their courage and determination to win the fight against the Taliban and the terrorists.

I learned a lot about Afghanistan, but one thing in particular I learned about is the terrain. Oh, is it mountainous. High mountains.

I attended a funeral not too long ago in Boulder City, NV, because a young Navy SEAL by the name of Eric "Shane" Patton was killed in Afghanistan. When I attended the funeral, I didn't understand the full implications of what this young man and the SEALs who were there with him—who served with him and trained with him—had gone through. But there is a book out, and I would recommend it to everyone. Every Senator who is interested at all in what is going on around the world and loves history should read this book. It is called "The Lone Survivor."

Shane Patton is one of those who didn't survive. As I indicated, I better appreciate now what the SEALs were doing there and why and how Eric "Shane" Patton was killed.

I knew his family. I was from a neighboring town. I went to a high school in a town called Henderson, NV, where his great-uncle Charlie and I were competitors athletically, football and baseball. I remember very clearly the funeral, after having been to Afghanistan.

We didn't spend all of our time with the troops. We traveled to other parts of the country. One part of the trip took us to a vocational school where young Afghani women and men were receiving training in computers, English, car repair, and other skills so they could pull their families and their country out of poverty toward a brighter day. I can remember, I went to the back of the room and there were some young women there. I don't know how old they were, but they were young. They were teenagers or maybe in their early twenties. I talked to them. Some of them spoke fairly good English.

One girl wouldn't talk to me. When I asked a question, she would write things on the palm of her hand. It was not because she couldn't talk. It was just she was not used to being out, I guess, with men, in public places. They are so happy to be able to be out of the clutches of the Taliban and learning something.

Despite the years of chaos and bloodshed, despite many families being torn apart by this war, the young people I met there were brimming with hope, for lack of a better description. Seeing these young men and women study together I was reminded of the difference the United States had made by aiding their fight against the Taliban.

One of my long-time Nevada friends, Harriett Trudell, who worked for me

when I was in the House of Representatives, asked me if I would meet with Eleanor Smeal, who runs an organization in town called the Feminist Majority. She was concerned about how women were being treated by the Taliban, as well she should be. It was awful what this group of people did to women. These people, hopefully, see the light and will not have to go back to that day.

The courage of our troops and the Afghan people was inspiring to me, but I was reminded of the difference the United States has made by aiding in the fight against this Taliban. But there is another conclusion you cannot avoid if you go to Afghanistan. The progress I saw is being undermined by the security situation that is deteriorating day by day.

I returned home more convinced than ever that the greatest threat to our national security lies in Pakistan and Afghanistan. These places must be our central focus on the war on terror. Today, 1 day from the seventh anniversary of the most violent terrorist attack ever to take place on American soil, the mastermind of the attack, Osama bin Laden, is still free. For all the tough rhetoric of the Bush administration of chasing bin Laden to the gates of hell—he has been joined in that by Senator McCAIN—the Bush administration has failed to put the necessary resources and manpower in the hunt for America's No. 1 enemy. We had him trapped in a place called Tora Bora, but our eyes were taken off that. Troops were taken out of Afghanistan and sent to the unnecessary war in Iraq.

President Bush has rightly said the war on terror is about more than just one man. Yet 7 years after 9/11, the President has allowed that group called al-Qaida to regroup in its safe haven in Pakistan. And in Afghanistan, the sad fact is that the Taliban, the brutally oppressive regime that housed bin Laden and al-Qaida, is on the rise, attacking our troops and innocent Afghan civilians. So we must be clear-eyed in the realization that the same people who attacked us then continue to regain strength and threaten us now.

This dire situation could have been avoided. When President Bush took us to Afghanistan following 9/11, Democrats, our country, and the world stood with him. We knew it was a fight that we must wage and we must win. But after a series of military victories the President lost focus and turned, instead, to an ill-conceived war in Iraq. With the job unfinished in Afghanistan, the President devoted our troops and treasure to another battlefield.

Predictably, with the focus shifted, the Afghan people joining with us found no one at their side. The progress in Afghanistan began to go backward, with neighborhoods once reclaimed from the enemy becoming battle-grounds once again. The reason for this failure is no mystery. No matter how

hard the Republican spin machine tries to rewrite history and obscure the truth, the fact is, the terrorists who attacked us on 9/11 were in Afghanistan, not in Iraq. As much as we are glad about Saddam Hussein, and we all are, during his reign—and that is what it was in Iraq—there were no terrorists there. Afghanistan is a far larger country than Iraq, with a larger population and far, far more difficult terrain. Yet today we have about 34,000 American troops in Afghanistan and about 150,000 in Iraq.

Afghanistan is much poorer than Iraq. I have explained to the Presiding Officer and those listening how important that is, according to Ambassador Wood. It may not be the poorest country in the world, but it is right up there. Yet the money we have spent in Afghanistan is a small fraction of what we have spent in Iraq—approaching \$1 trillion in Iraq. Afghanistan is the home of al-Qaida, home of the Taliban, the central front of the war on terror. Yet there are 4½ times as many troops in Iraq, and we have spent huge amounts more money in Iraq than Afghanistan.

The result of this, the Republican failure led by President Bush, is clear. After a drop in violence early in the war, the Taliban came back with a vengeance in mid-2006. By that time we didn't have enough troops on the ground to respond. The troops needed were 1,500 miles away.

This is not just HARRY REID giving an anti-Bush speech. The commander of American forces in the region, the No. 1 man, ADM William Fallon, put it this way in January of this year:

Back in 2001, early 2002, the Taliban were pretty much vanquished.

Just what I said. He continued:

But my sense looking back is we moved focus to Iraq, which was the priority from 2003 on, and the attention and resources focused on a different place.

That is what Admiral Fallon said, and that is what I have said in my remarks prior to this quote. With resources focused on a different place, Admiral Fallon said, here is what we are now seeing. In July, nearly twice as many U.S. troops were killed in Afghanistan as in Iraq. June was the second deadliest month in Afghanistan for coalition and U.S. troops since the start of the war. In eastern Afghanistan, attacks on coalition troops increased by more than 40 percent over the first 5 months of the year. Roadside bombings have increased. Opium production is up.

Mr. President, 93 percent of all the world's opium is produced in Afghanistan—heroin. Coincidentally, right before we had our break, before I went to Afghanistan, I received a call from a woman. I, of course, recognized her name. Her former husband was the first criminal client I ever represented. I was appointed by the court to represent this indigent. I walked into that jail and looked through the bars and here was this man. He should have been

in the movies, not in jail—handsome. His name was Gregory Torres, Humbert Gregory Torres. He put his wife through hell. They had a little baby. She was a showgirl in Las Vegas, also as beautiful as he was handsome. She called me to tell me he had died. I represented him in the 1960s. He survived, in and out of prison; off of heroin for short periods of time, but it is an addiction that is very hard to fight.

Mr. President, 93 percent of the stuff used to create hell in people's lives comes from Afghanistan—heroin. We have to do better than that; 93 percent of the world's opium is produced in one country.

President Bush's failures in Iraq and Afghanistan have had consequences beyond the borders of those two countries. This morning, the bipartisan American Security Project issued a report noting that attacks by violent terrorist groups around the world are at an all-time high. This is without the terrorist attacks in Afghanistan and Iraq. Their report also notes that ungoverned spaces continue to provide sanctuary for terrorist organizations, including Afghanistan, east and north Africa, and Somalia. Yesterday President Bush had one last chance to meaningfully change the strategy and begin to reverse all these backsliding trends, but he chose not to do so. He chose to stick with the status quo and not make the significant changes that were necessary. Unfortunately, we have seen no reason to believe a JOHN MCCAIN Presidency would offer any break from the failed Bush foreign policy.

For all his talk about listening to commanders on the ground, George Bush—and JOHN MCCAIN—are dangerously deaf to the calls of our commanders in Afghanistan. Listen to what Admiral Mullen said—Admiral Mullen, not Fallon. Here is what he said in addition to what Fallon said. Fallon said, back in 2001 early 2002:

The Taliban were pretty much vanquished. But my sense looking back is that we moved focus to Iraq, which was the priority from 2003 on, and the attention was on a different place.

Here is what Admiral Mullen said, also one of the leading commanders of the American military:

I have made no secret of my desire to flow more forces, U.S. forces, to Afghanistan just as soon as I can, nor have I been shy about saying that those forces will not be available unless or until the situation in Iraq permits us to do so. . . .

We know today that no more than a token shift of troop levels will take place until we have a new President, a new President committed to winning the war on terrorism by fighting the actual terrorists, not creating war but winning war. That will require a new approach to Iraq, Afghanistan, and Pakistan. We have seen in Pakistan a dangerous approach by this administration, placing all of our bets on one man, General Musharraf.

Senator Daschle and I were the first two American elected officials to meet

him after the coup. We went there and we met with him. Obviously, all the talking to him by us and others did not do a lot of good because what President Bush did was place everything on this one man. It was a fatal and avoidable—certainly an avoidable—blunder. Musharraf did not implement democracy, did not uphold human rights, and did not stop the terrorists operating inside Pakistan's borders. He fired all the judges. American dollars meant to fight terrorism were wasted, the Pakistani people suffered, and the United States lost credibility with them for supporting a dictator who did not want to uphold their basic human rights.

Because of President Bush's failed approach to Pakistan, we now have seen al-Qaida regroup within its borders. According to the declassified key judgments of the National Intelligence Estimate of July 2007 entitled "The Terrorist Threat to the U.S. Homeland," al-Qaida has "protected or regenerated key elements of its Homeland attack capability, including a safe haven in the Pakistani Federal Administered Tribal Areas."

The intelligence agencies reiterated this a few weeks ago, saying that al-Qaida "has maintained or strengthened key elements of its capability to attack the United States in the past year."

During our time in Afghanistan, from our meetings with President Karzai to our meetings with American generals, one message was clear: We cannot solve the problem in Afghanistan without solving the problem in Pakistan.

Those concerned with the writing of our history books will have ample opportunity to delve into the Bush failures in Iraq, Afghanistan, and Pakistan in far greater detail than I have done in these brief remarks. The historians will note that on George Bush's watch the Taliban grew stronger, running their operations from terrorist bases inside Pakistan.

They will note, the historians, that under George Bush's watch, al-Qaida regrouped, ready to carry out other attacks against our great country. They will note on George Bush's watch, our national security was jeopardized, and the threats that led to the attacks in 2001 are as grave if not graver in 2008.

So our job in Congress is not to do the job of the historians, but to answer one question: Where do we go from here? President Bush gave his answer to that question yesterday. His answer was: We do not go anywhere. We stay exactly where we are.

JOHN MCCAIN has made it clear that he stands in place with George Bush. So with due respect to President Bush and Senator MCCAIN, the status quo has failed. They are out of touch with the realities and ramifications of our efforts in Iraq, Afghanistan, and Pakistan.

I saw in Afghanistan a people eager, desperate, and ready to lift their country to democracy, equality, and economic opportunity, but held down by

the weight of an enemy we failed to destroy.

The military, our military, has expressed to me how impressed they are with the Afghan fighters. They do not leave battle. They are ready to fight. So I hope in the coming months, our courageous, overworked, overstretched, overstressed troops can continue to hold off the enemy. I am confident they will. They will do it without the full resources and manpower necessary to complete the mission, which is too bad.

I hope the American people have the wisdom to choose a leader who will take the war on terror back to the terrorists and look the Afghan people in the eye and say that help is on the way.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I regret that we had hearings all morning in the Environment and Public Works Committee on another crisis; that is, we are going to have to do something about the trust fund to get it jarred loose before we can get out of here. There is going to be a serious problem in the Nation's infrastructure, and it was necessary that I be there. However, I regret that I missed the discussion of the Vitter amendment.

Many members of the Armed Services Committee are very concerned about the ability of the missile defense system. Some of us have been around long enough to remember back in the Reagan administration when this whole thing started. At that time, there was an attempt to denigrate the threat that was out there, calling it Star Wars and other things. But, in fact, the problem was very real. It took a lot of vision. That administration set about to give us the capability that we would need, when the need was there. We were pretty much on course.

Missiles have become a key component to the militaries of many countries now that were not a problem back at that time. Our enemies are advancing their ability to reach out and hit us, our allies, and our forward-deployed forces in a devastating way. We have a different threat now than we had at one time. People are now aware of it.

I can recall that I disagreed with President Clinton when he took a lot of the money out of the national missile defense system. I think it was the 1996 Defense authorization bill he vetoed. The veto message said that we are spending too much money on a threat that is not out there for the foreseeable period. Now I think we realize this problem is there.

This is a complicated subject. One of the problems we have—and I have this with a lot of my conservative friends—

is that people will look at it and say: We don't need to have all this redundancy in a missile defense system. Right now, we are talking about the boost phase, the midcourse phase, and the terminal defense segment. In these areas, we need to have at least two capabilities such as the airborne laser and the kinetic energy booster in the boost defense segment. So people who say that perhaps we don't have that need and that it is redundant don't think of the consequences.

As tragic as 9/11 was, I am sure all of us have thought about what could have happened or what could have been or might have been prevented as a result of the increase in some of our collection systems to prevent a missile from coming in. We know countries have missiles. They have weapons of mass destruction, and they have delivery systems. The combination is varied. We are talking about potentially hundreds of thousands of people or millions of people who could be killed. There are a lot of areas where the midcourse defense segment was the only one that would be effective in knocking down an incoming missile. We are working hard now on the terminal defense segment.

I applaud the Missile Defense Agency and the work they have been doing because they have been able to analyze this and see where the threat is, why it should be dealt with. When they developed a budget, they put the amount of money in there they thought was necessary to keep on course to get us to the point where we would be able to adequately defend America against an incoming missile. I think they have done that.

We took some 400, I believe, out of that amount, and the Vitter amendment is trying to reinstate that. In 1993, the Clinton administration cut \$2.5 billion from the Bush missile defense budget request for fiscal year 1994; terminated the Reagan-Bush Strategic Defense Initiative program; downgraded national missile defense to a research and development program only; cut 5-year missile defense funding by 54 percent from \$39 billion to \$18 billion; and reaffirmed a commitment to the ABM Treaty, saying any defense must be "treaty-compliant."

A lot of people honestly in their hearts—and I respect them for having a different opinion than mine—think that the answer is not in missile defense system but in arms control. This is what we went through during the middle 1990s. But we have reached a level of sophistication now where we have watched our tests become successful. People used to ridicule those of us who were for this program a long time ago: You will never be able to hit a bullet with a bullet. But we have done it now. So the technology has come along. To not stay on track is something that would be devastating.

Right now, we are looking at countries such as North Korea and Iran developing ballistic missile capabilities and delivery systems. There should not

be any doubt that these countries would actually use them. The only way to deter that is to have a defense system.

I think it is wise for us—and I think all of America agrees that the threats are out there; we need to have the capability of deterring when it comes in—that we do what is necessary to meet that test. We have relied upon the experts in the Missile Defense Agency and those of us who have studied this to determine what it should cost. Making a mistake here is not like making a mistake in some other area. If we make a mistake here and are incapable of knocking down something that is coming into a populated area, that is a disaster that is beyond description. As tragic as 9/11 was, multiply that by 100 or whatever it might be in the case that we don't stay on course.

So what I would encourage us to do is to go ahead and adopt the Vitter amendment. What he has done is said: Take it from other areas. It will be covered. But this shows that there should be that priority. I believe that priority is certainly justified.

As we follow through what has happened over the past few years, what happened in 1998 when they opposed and helped kill the legislation that called for the deployment as soon as technologically possible—we remember that well. Those of us on the Armed Services Committee have watched that moving target as time has gone by. But that is really the key, to be sure we have a national missile defense system deployed as soon as technologically possible because we know what other countries are doing. We know people are trading technology. We know that China is trading technology, that North Korea is trading technology, and countries such as Iran are rapidly gaining this capability. Our enemies out there don't like America. This is the most defensive program we should have in defending my 20 kids and grandkids and all of America.

I strongly encourage in this process that we reinstate the amount of money that the experts say is necessary to stay on course to defend America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the Vitter amendment for a number of reasons. Let me begin by saying we have already placed into our bill more money for the areas that the Vitter amendment would add additional money for than was requested by the administration. In other words, in these areas—terminal high-altitude area defense, the THAAD Program; the Aegis ballistic missile defense, DMD, and its Standard Missile-3 interceptor—we have added money in our committee to the budget request. So this is not restoring cuts in these programs. If the Vitter amendment were passed, it would add additional funds to programs that we on the committee unanimously already have added addi-

tional funds to above the administration's request.

I would like to go through these one by one.

For the THAAD system, the administration's budget requested \$865 million. The committee bill, approved by all committee members, added \$115 million.

The Targets Program, which provides targets for flight tests, the budget request was \$665 million. The Armed Services Committee fully funded the administration request. The Vitter amendment adds money the administration is not requesting. The administration is not requesting the money that the Vitter amendment adds to the committee bill.

Next, the Aegis BMD Program, the budget request was nearly \$1.2 billion. The committee bill would authorize an additional \$100 million for systems improvement and additional procurement. The Vitter amendment adds to what the committee already added to the administration request—\$74 million on top of the committee increase, \$54 million to convert two additional ships and \$30 million for technology improvements.

So point No. 1, in the areas to which Vitter amendment would add funds, the committee has either fully funded the administration request or we have added to the administration request. The administration is not requesting additional funds in the areas to which the Vitter amendment adds funds. That is point No. 1.

Point No. 2, how does the Vitter amendment pay for these add-ons? What it does is it allows the Secretary of Defense to cut \$271 million from any part of the Defense Department budget except for the specified accounts which we are not authorizing the Secretary of Defense to cut. But except for those very precise, specific, enumerated exceptions, the Secretary of Defense is given carte blanche to cut any program which the Secretary of Defense wants to cut. That is an abdication of congressional authority. It is a serious abdication. We have not done this. Where we have put weapons systems money in, frequently at the request of Members of this body, going over this at great length in committee, we have not given the Secretary of Defense a blank check to cut whatever procurement programs he might want to cut in order to pay for other add-ons that are offered on the floor of the Senate.

Now, when the Senator from Florida gave examples where these cuts could come from, the Senator from Louisiana denied those cuts could come from these examples. But the Senator from Florida is right. So I am going to repeat the examples, and then we can debate later on whether the Senator from Louisiana is correct or the Senator from Florida is correct in terms of the amendment which has been offered.

These are some of the examples the Senator from Florida used where if the Secretary of Defense wanted to make

cuts in programs, in his discretion, he would be given the authority to do it. He could cut funds for the Joint Strike Fighter alternate engine. He could wipe out money for operations of the B-52. He could cut money for advance procurement funds for the F-22. He could reduce the Patriot missile request. These are areas where the committee has added funds and where if the Vitter amendment is adopted, the Defense Secretary could, at his discretion, make cuts in these program or any other program in his discretion.

It is a serious abdication of congressional budget authority to say the Secretary of Defense may make cuts in programs wherever he wants, with the specific two exceptions that are enumerated in the Vitter amendment.

So we ought to defeat the Vitter amendment, No. 1, because it adds funds not requested, No. 2, it adds funds to accounts we have already added funds to, and, No. 3, because of the broad authority that would give the Secretary of Defense to pay for these add-ons by cutting other programs in the discretion of the Secretary of Defense—a very serious abdication of our budget power and something we should not do.

So I will oppose the Vitter amendment and support the position, the argument of the Senator from Florida, Mr. NELSON, who is the chairman of our subcommittee, who earlier today made the presentation in chief, as we would say in a court, against the Vitter amendment.

I yield the floor now. I would ask unanimous consent—if my friend from Alabama might hear this—that if we go into a quorum call now the time be charged equally against both sides on the Vitter amendment.

I suggest the absence of a quorum with the unanimous consent request that any time during this quorum call be charged equally to both sides.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, how much time remains on the Vitter amendment?

The PRESIDING OFFICER. The proponent has 2 minutes. The opponents have 19 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Vitter amendment be set aside, and that when we return to the Vitter amendment, the Senator from Louisiana have 10 minutes on his side, and that the full 19 minutes remain on our side, the opponents, and with that understanding we move to the regular order, which I believe would be the Senator from Florida offering his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4979.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY, proposes an amendment numbered 4979.

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

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

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—
(i) by striking paragraph (2); and
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—
(i) by striking subsection (e);
(ii) by striking subsection (k); and
(iii) by striking subsection (m).
(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—
(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and
(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of

a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I may have printed in the RECORD a letter from The Military Coalition.

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

THE MILITARY COALITION,
Alexandria, VA, June 19, 2008.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million members plus their families and survivors, is writing to ask for your support of Senator Bill Nelson's Defense Authorization Bill amendment (S. amendment 4979) that repeals the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2008.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. But that forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a \$1,091 monthly indemnity from the VA. Surely, those who give their lives for their country deserve fairer compensation for their surviving spouses.

The Military Coalition urges you to restore equity to this very important survivor program and vote in favor of Senator Nelson's SBP amendment when it comes to the floor for consideration.

Sincerely,

THE MILITARY COALITION,
(signatures enclosed).

Air Force Association; Air Force Women Officers Associated; American Logistics Association; AMVETS (American Veterans); Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association.

Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Military Family Assn.; National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Association; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. Mr. President, following one of the bloodiest wars in America, the time that this Nation was put asunder and split right down the middle, in those dark days, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations of war is to take care of those who had borne the fight and to take care of his widow and orphan.

What he said was:

As God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphan.

That is the quote of Lincoln in that very memorable second inaugural address.

This amendment has to do with widows and orphans. This Senator, for 8 years now, has brought this amendment up, and on most every occasion we have passed it in the Senate. But because it has a fiscal consequence, because what we are going to do is help widows and orphans, when it gets through here on almost a unanimous vote and gets into a conference committee with the House, it gets whacked. We had a minor victory last year in that some of this offset that I am about to tell you was reduced, but it was a very minor achievement.

I have offered this amendment, which is cosponsored by Senators HAGEL, MURRAY, and SESSIONS. So you can see that this is bipartisan. It is going to eliminate the unjust offset on the survivor benefits for widows, widowers, and orphans. The U.S. Government, when it plans for cost of war, has to go through—and understand that the cost of war is not just guns, ammunition, tanks, and airplanes.

A cost of war is also taking care of the veterans and also taking care of the deceased servicemembers' widows, widowers, and orphans. It is both a cost of war and of peace.

Now, before August, back in July, the Senate supported sweeping changes to

the GI bill, which certainly is providing greater opportunities for today's members of the military and their families to have the ability to earn a college education. Well, now, in this amendment, we have the privilege of honoring the families whose loved ones have given their lives in service to the country.

Today, we can remove one of the last unjust benefit offsets that face our veterans and our families. On both sides of the aisle, over the last several years, the Senate has tried to correct these benefit offsets that penalize our Nation's heroes. Back in 2004, in the Defense authorization bill, we passed combat-related special compensation that allowed veterans who were injured during war, and awarded a Purple Heart, to receive both their disability pay and their earned retirement income. Back then, in 2004, we reviewed the veterans concurrent receipt disability pay, otherwise known as concurrent receipt. We agreed that military retirees with 20 or more years of service and a 50-percent or higher disability would no longer have their retirement pay reduced by the amount of their VA disability compensation. That was the offset that was known as concurrent receipt. So we eliminated that offset if the veteran had a 50-percent or higher disability.

Well, through the National Defense Authorization Act, back then, in 2004, we authorized concurrent receipt of the retired pay and the disability pay for military retirees but not so with the widows and the orphans.

Last year, in the Defense authorization bill, we reasoned that those veterans rated as 100 percent unemployable should receive both their retirement pay, which they have earned through years of service, plus their disability pay, which they earned through injury. Before the law was changed, a veteran suffering from PTSD, post-traumatic stress disorder, or TBI, traumatic brain injury, and was unable to work due to the service-connected disability—back before that, that veteran was penalized because he or she was not 100 percent physically disabled. Prior to our efforts, our veterans could not concurrently receive their hard-earned retirement pay and their well-deserved disability pay.

That is what brings me now to the widows and orphans. We treated our veterans that way in the past. We have acted to get rid of these unjust offsets. But there is one offset that remains, and that is the one that affects the survivors—the offset between the survivor's benefits under the Department of Defense Survivor's Benefit Plan, or SBP—that is on one hand—and the Veterans Department Dependency and Indemnity Compensation, or DIC, there is an offset there. Here is what happens. The Survivor's Benefit Plan is purchased by the retiree, like an insurance annuity. It is issued automatically in the case of servicemembers who die while on active duty, and re-

tired members of the military pay for this benefit from their retired pay. Again, it is as if they pay premiums for an insurance policy. Upon the death of the servicemember, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity—a straight kind of insurance annuity. Understood.

But there is another law. The other law is that the Department of Veterans Affairs Dependency and Indemnity Compensation, or DIC, is given to a surviving spouse of an active-duty or retired military member who died from a service-connected cause. Here is the catch: Under current law, even if the surviving spouse of such a servicemember is eligible for SBP, that purchased insurance annuity is reduced, or offset, by the amount they get under the Dependency and Indemnity Compensation from the Veterans' Administration. Well, why should that be, because they are entitled to both. In one case, they purchase it; in the others, they are a veteran and they are entitled to it. The Survivor Benefit Plan is that purchased insurance annuity plan.

In my previous life as the elected insurance commissioner of the State of Florida, I want you to know I have never heard of any other purchased insurance annuity program that can justify refusing to pay the insured the benefits that the insured purchased by saying: Oh, by the way, because you are getting a different benefit somewhere else. So for the past 8 years, this Senator has been trying to fix that situation. This amendment is going to end that injustice and completely remove this offset to take care of the widows, the widowers, and the orphans who have lost a loved one to combat or service-connected injuries.

In 2006, the Senate passed a similar amendment 92 to 6. What happens, it gets down into the conference committee between the Senate and the House and they say: Oh, we can't afford it. It got watered down into a special payment that provides a \$50 monthly payment to a deceased servicemember's beneficiaries. So at least it is offset \$50. But the real offset is about \$1,100. Fifty dollars is better than zero, but we have a long way to go to make this right by our veterans and their families.

I hope the Congress now is going to face the music and come up with the responsible thing and recognize that the cost of war is taking care of the families, the widows, and the orphans. Under current law, because of that offset, all of our military are going to find it difficult for their families to make financial ends meet. These are the families of the men and women who do not return home. They have already lost so much, they should not have to endure the financial hardships because of a benefits offset.

The Senate has an opportunity to change this injustice as we get into this Defense authorization bill. If we respond to it as we did a couple of

years ago by passing legislation with overwhelming support and then again with the special offset of only \$50, if we can take it to the full offset and remove it, then we will have achieved what we ought to be doing, which is to do right by our families, recognizing that it is our obligation as a government to take care of the one who shall have borne the burden of war and of his widow and orphan.

That ends my remarks. I do not see any other Senator in the Chamber wanting to offer any comments. So if other Senators are not ready to speak, I wish to speak on another subject. I ask unanimous consent to speak as in morning business for 10 minutes.

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

OIL DRILLING

Mr. NELSON of Florida. Mr. President, next week we are going to be on the Energy bill, and we are going to be acting on one of the most important challenges facing our Nation. In fact, the single greatest threat to our national and economic security may well be our dependence on oil, not just foreign oil but oil.

No one among us would argue that we need to drill in places where it makes sense. But we all know that more drilling will not do anything to bring down the price of gasoline. A report from the White House has said that, and we have stated that on the floor of the Senate. Nor will more drilling take us down the path to making America energy independent in 10 years. But let's acknowledge that we need to drill for oil in places where it makes sense.

This Senator has come to the floor and said over and over that 68 million acres of Federal lands, both on land and submerged lands, leased by the oil companies, is a good place to start. We need to drill for oil in places where it makes sense. If there are expanded places offshore that do not have a counterbalancing reason not to drill there, then let's use that standard. Let's drill in places where it makes sense but understanding all along that is not going to affect the price of gasoline now.

The White House report said it would not affect the price of gasoline until the year 2030. But people are hurting now. They want something done about gas prices now.

Recognize also there is a fundamental truth that the United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. Common sense tells us, if we only have 3 percent but consume 25 percent, drilling is not going to get us out of the problem. We have people such as Texas oilman T. Boone Pickens who are on the TV saying exactly the same thing.

If we cannot drill our way out of the problem, what should we do? It is clear that we could bring the price of gas down a lot more and right away if we would cut some of the waste, if we

would conserve. What is one way to conserve? Higher-miles-per-gallon cars because 50 percent of the oil we use goes into cars and trucks. It does not take a rocket scientist to realize this is where we ought to focus. So let's focus on raising the mileage standards for our personal vehicles. It took us 30 years to just a few months ago raise the mileage standards to a paltry 35 miles per gallon, but that is phased in over the next decade and a half.

In the meantime, Europe is driving around on an average of 43 miles a gallon. By the way, it is American manufacturers in Detroit that are selling their products, American automobiles, that add to that 43-mile-per-gallon average in Europe. And in Japan, they are driving around in vehicles that get 50 miles per gallon.

In other words, we are wasting a lot of oil right here in America that we could be saving, and we could do it with serious conservation measures. One of those ways is to increase our miles per gallon in our vehicles in the fleet average, which we could start doing tomorrow.

There is another way, and the other way is to start giving tax incentives to Americans to go out and buy fuel-efficient cars. We ought to require at least 40 miles per gallon on our vehicles, and we should provide to the American consumer tax incentives to encourage them to buy those higher-miles-per-gallon, fuel-efficient cars.

In the long run, we have to rapidly build cars that run on batteries and hydrogen, not petroleum, and we need to develop alternative fuels, such as ethanol, from products that we do not eat. While we are at it, we are going to have to pay attention to how we power our homes and industry. We are going to need to develop solar, wind, thermal energy, and safer nuclear power, and we are going to need to increase our oil-refining capacity.

Our Government must enact this national energy program to transition us from petroleum to alternative and synthetic fuels. President Kennedy said we were going to release ourselves from the bonds of gravity and go to the Moon and back within 9 years, and we did it. We need to act on this energy crisis with the same urgency. If we put our minds together, then we can realize a number of these items that I have mentioned—drill in places where it makes sense; raise the miles per gallon on our automobiles; give our people tax incentives so that they will be encouraged to buy fuel-efficient cars; develop solar, wind, thermal, safer nuclear power; and increase our oil-refining capacity. These are the ways we are going to solve our energy crisis.

This is what I hope as the Senate goes into session next week working on the Energy bill. These are the common-sense ways that we can, with divergent views, come together and build consensus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I will return to my pending Vitter amendment. I ask the majority side, and perhaps the distinguished Senator from Florida is the appropriate person on the floor to give consent to a modification of the Vitter amendment, which is in the last paragraph, only to clear up any uncertainty and confusion about this offset issue which we have discussed.

This modification, which I provided to the majority side, would make crystal clear and ensure that the full offset of this amendment would have to come out of research, development, test, and evaluation accounts only, and therefore it could not come out of O&M. It could not come out of procurement. It could not come out of any of those broad categories about which the Senator and others were most concerned.

I ask unanimous consent for that modification so that there is certainty on that issue.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Mr. President, reserving the right to object, out of consideration for Senator LEVIN, the chairman of the committee, who is off the floor right now and is considering the request of the Senator from Louisiana, I suggest the Senator withdraw the request until Senator LEVIN returns. I have been instructed to say that he is considering that request right now. So will the Senator withdraw the request?

Mr. VITTER. Pending that answer, Mr. President, I will withdraw the request and look forward to that response so that we can modify the amendment. It is a good-faith attempt to address and clear up any possible ambiguity about some of the issues we discussed on the Senate floor. I think this modification would do that by, beyond argument, limiting any offset to research, development, test, and evaluation accounts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

MENTAL HEALTH PARITY

Mr. SMITH. Mr. President, I often try to come to this Chamber and offer remarks without reading a text, but this text that I have prepared is of such a personal nature and so difficult to give that I think I am going to try to read it.

I also want to note for the record that in this hyperpolitical season, sometimes we forget that we are just Americans. Senator KENNEDY somehow knew I was going to give this speech, and I was just called to the Republican cloakroom to take a call from our colleague who struggles with a terrible illness. He wished me well in this speech because we share a common bond when it comes to human loss and the passion

for the issue of mental health. I also want to report, Mr. President, that he sounded great, and I am confident he will be back.

Mr. President, 5 years ago this week—it was actually 5 years ago on Monday—my wife Sharon and I received the worst news that any parent can receive when a police officer showed up at our door to inform us that our 21-year-old son Garrett had taken his life. That day and the days and weeks that followed were the most painful imaginable. But instrumental to Sharon and me being able to persevere through those weeks was the love and support we received from my colleagues here in the Senate.

To note just a few, Senators WYDEN, REID, STEVENS, BENNETT, DeWine, and CHAMBLISS traveled all the way to Pendleton, OR, a little town in north-eastern Oregon, for Garrett's service. When I returned to this Chamber weeks later, Senators KENNEDY and BIDEN, who had experienced the loss of family members in their lives, were just two of many who reached out to me with compassion and wise counsel. Senators LEAHY and Santorum lit candles for us in their Catholic parishes, Senator LIEBERMAN remembered us in his synagogue, and many protestant colleagues included us in their prayer circles. Sharon and I were reminded again and again that human heartache has no political affiliation.

Sharon and I were also blessed to receive the support and understanding of the people of Oregon. We were overwhelmed with cards, letters, and kind words, many from individuals who had lost a loved one battling depression or who had lost a loved one to suicide. Indeed, as a result of the publicity surrounding Garrett's death, Sharon and I had become the focus of an immense fraternity of sorrow. I had never been aware of or imagined the size of this silent and shapeless society, but the avalanche of letters confirmed what my studies later taught me: There are 30,000 suicides and as many as 600,000 attempts at suicide in America every year. Suicide is the third leading cause of death in the United States for those ages 15 to 24. It is the second leading cause of death among college students, with more than 1,000 taking their lives each year.

I began to wonder what I, as a Senator, could do about this epidemic which had claimed the life of my son. Six months after Garrett's death, our then-colleague Mike DeWine provided me with an answer. He told me that the epidemic of youth suicides had been weighing on his mind as well and that he had coauthored two pieces of legislation he hoped might make a positive difference. The first bill, authored with Senator DODD, increased screening for children to detect those predisposed to depression and suicide. The second, written with Senator REED of Rhode Island, provided funding necessary to improve suicide prevention programs on college campuses.

I reviewed the two bills and felt more and more that I had found my cause: to bring suicide's brutal toll and mental health subordinate status out of our society's shadows. I believed that the shame and the stigma our society feels about mental health must stop and a national conversation needed to begin. I believed that if Government policy and insurance priorities did not change, then more lives would be tragically lost, more families would be shattered, more of our citizens would wander our streets and needlessly fill our jails, and higher costs would be borne by taxpayers or be shifted to overburdened private policyholders. In short, our society would be diminished and too many of our fellow citizens would continue to suffer needlessly.

Senators DeWine, DODD, and REED graciously offered to let me take the lead in advancing the legislation through Congress. Because of their support, the support of countless others in the House and Senate, and the support of the President of the United States, George W. Bush, we were able to make a difference and for the first time put the Federal Government on the front lines in the battle against youth suicide.

This week marks another anniversary, Mr. President. It was on September 9, 2004, on what would have been Garrett's 23rd birthday, that final passage was achieved on what my colleagues named the Garrett Lee Smith Memorial Act. So I rise today during what is also National Suicide Prevention Week to reflect on what has been accomplished these past 4 years thanks to the provisions of the Garrett Lee Smith Act and to remind my colleagues of the work that still must be done.

Since its enactment into law, the Garrett Lee Smith Act has provided funding for youth suicide prevention programs in 31 States, 7 Native American tribes or tribal organizations, and 55 colleges and universities. Incredibly, more than 150,000 people across our Nation have been trained in youth suicide prevention activities under the Garrett Lee Smith Memorial Act. This includes more than 40,000 college students who can now look for the warning signs of depression in peers, more than 11,000 parents and foster parents who can spot the warning signs in their children, 9,000 teachers who can better identify the needs of their students, and 1,300 primary care providers who can better serve the mental health needs along with the physical needs of our children and youth they seek to heal. We also know that 13,000 youth have been screened for mental illness through the Garrett Lee Smith Memorial Act grants. Of these youth, more than 2,800 were found to be at risk of suicide and 95 percent were referred for mental health services. Amazingly, of these children, 90 percent received care.

In my home State of Oregon alone, more than 900 people have been trained

in suicide prevention activities. They have been taught these new skills in a way that will allow them to share what they have learned to train others. This "train the trainer" type of program has created a sustainable program which will continue to grow the number of caring people in our communities who have the know-how to spot mental illness and suicide risks in our children and youth.

Mr. President, much has been accomplished in the battle against youth suicide, but there is still much more that needs to be done, and I would like to provide a roadmap of five actions this Congress can and should take before adjournment.

First, Congress needs to reauthorize the Garrett Lee Smith Memorial Act. Last May, I joined with Senators DODD and REED in introducing just such a reauthorization proposal. Our bill would provide some important updates to the program, including allowing States and tribes to get more than one grant so that many States can expand on the work they started with the initial youth suicide prevention grants they received. Our bill would also allow for increasing funding levels and allow for the current youth suicide resource centers to serve those of other ages.

Second, mental health parity has passed both the House and the Senate and is awaiting final passage. I urge the conference committee to get this to final passage. This final version has been included in the tax extenders package drafted by Senator BAUCUS that is awaiting consideration. I am very hopeful that through this package, mental health parity will soon be completed. Placing mental health on parity with physical health will send a very important message to our family members and friends with mental illness. It says to them: We support you, we love you, and we are working to ensure that you get the help you need.

Third, mental health parity must also be provided to children under SCHIP. Low-income children suffer at higher rates of mental illness. We must ensure that the State Children's Health Insurance Program better supports their needs. We know that the earlier we can identify and help children with any mental health issues, the better chance they will have in obtaining a long-term recovery and learning the ability to manage their illness.

Fourth, along with many colleagues, I have long been concerned with the mental health needs of our older veterans as well as those who are returning from our current conflicts. I held a field hearing in Oregon last year on the issues that our aging veterans face and convened two roundtables on the issue with veterans, mental health professionals, and local officials. Senator KOHL and I also held an Aging Committee hearing in the fall of last year that looked at veterans' mental health issues. I was honored that Senator Bob Dole was able to testify at this important hearing.

In response to the findings I gathered from these hearings and discussions, I introduced in July of this year, along with my colleague and friend Senator WYDEN, the Healing Our Nation's Heroes Act of 2008. This bill would improve the oversight of the Department of Veterans Affairs and the Department of Defense as it relates to the mental health services they provide to our service men and women and veterans. It would also work to increase the number of their mental health professionals and train them to better understand the unique issues of our men and women who have seen combat.

Finally, I have worked to introduce a package of bills with Senator REED of Rhode Island that would support and enhance our community mental health centers. These centers are the safety net of our local mental health systems and work to ensure care to so many low-income individuals. These bills would help to better integrate the physical and mental health at these centers. This package would also help to provide funding for infrastructure expansion and improvements that are so desperately needed as local centers struggle under low funding and increased community needs. Currently, the reauthorization is pending in the HELP Committee.

Mr. President, I know we are in the midst of a partisan season. Two of our colleagues are campaigning for the Presidency of the United States, and one is campaigning for the Vice Presidency. In my State of Oregon, my colleague, Mr. SCHUMER of New York, is spending millions upon millions of dollars running very partisan and negative ads in the hopes of defeating me, and that is certainly his right. I know Mr. SCHUMER has put pressure on many of my colleagues on the other side of the aisle these past few months not to continue any bipartisan work with me. But just as passage of the Garrett Lee Smith Memorial Act was not a partisan issue, taking action on the five items I have just listed is also not partisan. Mental illness does not differentiate between Republican and Democrat. It is an American issue. It is a human issue. And as Americans, we have a duty to act.

Perhaps the best counsel I received in the days and weeks following Garrett's death came from Dr. Lloyd Ogilvie, who served with such distinction as the Chaplain of the Senate. Lloyd had recently lost his beloved wife Mary Jane and called me from Los Angeles to commiserate. His message to me was that "gratitude" is a miraculous antidote for grief, and that, whenever I was feeling overwhelmed by bewilderment and remorse, I should remember to be grateful that the Lord gave us Garret for 22 years less a day. It sounded simple enough—gratitude as an antidote for grief—so I tried it, I tried it again, and I discovered that it works.

I stand here today, 5 years after losing my son, with profound gratitude in my heart: gratitude for the countless

Oregonians who continue to let Sharon and me know that we are in their thoughts and prayers; gratitude for my colleagues here in this Chamber, without respect of party, who helped me persevere and recover; gratitude for public servants such as Mike DeWine and CHRIS DODD and JACK REED and many others—and I must mention ORRIN HATCH, who has been an incredible brother to me. They allowed me to turn my grief into action through the Garrett Lee Smith Memorial Act. I express gratitude for President Bush signing this act. He did it on a misty day, on an October morning in 2004, just before election day. I express gratitude for those who are on the front lines of the battle against suicide, and countless mental health professionals who are implementing the programs authorized by the Garrett Lee Smith Memorial Act, who are often overwhelmed by the demand and underfunded by resources.

And above all, I express gratitude that a remarkable boy graced Sharon's and my life for so many years, and that his memory lives on through the good works implemented by legislation that bears his name on the statutes of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, right now the pending business, as I understand it, is the Bill Nelson amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. Let me first compliment Senator NELSON for bringing this up. This has been something we have been wrestling with now for more than 8 years and we are finally going to have an opportunity to make it happen. It is a long overdue fix in the Survivor Benefit Plan and I am honored to be a cosponsor of this amendment. It clearly states that a surviving spouse and dependents of our veterans should receive the full value of the SBP and the Dependency and Indemnity Compensation—DIC—without an offset.

Here is what the problem has been in the past. They would receive one or the other, but the other would be offset against it so our surviving spouses would not have the full benefit. Let's look at what it is. They have distinct purposes. The DIC, the Dependency and Indemnity Compensation, is tax free and it compensates for a service-connected death and the resulting economic loss. That is what that stands for.

The SBP, the Survivor Benefit Plan, is more like a life insurance policy.

Survivors are qualified for SBP only because their spouses bought it with monthly premiums.

It is time we gave back these benefits to families of those who have served bravely in the defense of our Nation. I think it is an insult to their honor and their memory to do anything else.

Many of us have fought for years to ensure the SBP pays survivors as it was intended. I, along with 38 colleagues, sponsored the SBP Benefits Improvement Act of 2001. We are talking about quite a number of years ago. It amended the Federal provisions concerning the Military Survivor Benefit Plan to adjust the basic annuity amount for surviving spouses of former military personnel and adjust similarly the authorized percentage amounts of SBP supplemental annuity authorized for such spouses.

Again, I cosponsored, with 45 colleagues, the Military Survivor Benefits Improvement Act of 2003 to accomplish the same thing.

We have worked diligently to change the laws covering the concurrent receipt and have been successful. This legislation is the logical expansion of the same principle, acknowledging that the surviving spouses and dependents should not be left behind. Every year for the last 3 years we voted to include this legislation in our version of the National Defense Authorization Act. We have the authorization bill—I should say the reauthorization bill—every year. We put it in. Then, somehow, in conference it comes out.

As the Chair knows, we cannot discuss what happens in conference other than we know the results. The results were this was something we wanted to do, we had it in, it came out. In 2006, 2007, and 2008, we agreed to repeal this SBP/DIC offset and every year it has been dropped by the conference committee.

Again, that is something nobody knows why. I, frankly, do not know why and I am on the conference. With this amendment we rectify a longstanding injustice to widows and dependents whose spouses or parent died, of a military service-related cause, who are sacrificing a dollar of the DOD Survivor Benefit Plan for every dollar of the VA Dependency and Indemnity Compensation they receive.

Finally, after all these years it is going to become a reality. I applaud the Senator from Florida, Mr. NELSON, for bringing it up. I encourage everyone to agree to this amendment. I think it will be agreed to because it has had favorable treatment from our defense committee, our Armed Services Committee, for a number of years now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I ask for a quorum call, if the quorum call is put in motion here, is the time charged against both sides on the Vitter amendment?

The PRESIDING OFFICER. We are on the Nelson amendment so no time would be charged.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I wish to say to our colleague and fellow member of the Senate Armed Services Committee from Oklahoma, I was very moved by your remarks on this particular program, as requested by our colleague from Florida. This will have my support. But your voice has added a great deal of significance to the fundamental necessity for this body to go ahead with this amendment. I judge you, too, are a cosponsor on this amendment?

Mr. INHOFE. That is correct. I say to the Senator from Virginia, we have been working on this, you and I together, along with several other Senators on both sides of the aisle, for 8 years now that I know of. This should be the day that we come to the happy conclusion and make sure it does happen.

I wonder why things that are so right are so long in coming. He and I both know, after the years we have served, it is not all that easy sometimes. I thank the Senator for all of his support for the survivor benefits and all the things we have done since—actually prior to 2001.

Mr. WARNER. Mr. President, I thank the Senator. If it is one hallmark he has in the Senate, it is his tenacity, year after year after year. So stick with it—whether it is this program or your beloved highway programs, which you fight for, or your beloved WRDA bill, which you fight for. It is a long list.

I thank the Senator from Oklahoma. Mr. INHOFE. I thank the Senator from Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Would the Senator from Oregon yield?

Mr. WYDEN. I will yield.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized following the presentation from the Senator from Oregon.

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

Mr. WYDEN. First, I wish to note that my friend and colleague, Senator SMITH, was just on the floor. I wish to commend him for all the work he has done for the vulnerable families in our country. He and Sharon, of course, have suffered the loss, a loss almost unbearable to all of us who are parents. They have done everything they possibly could to stand up for other families across the country.

Since our colleague spoke, and very movingly, on the floor, I wish to take

a special note, before I begin my comments on another subject, of his advocacy because I think it has been extremely important for millions of families in our country.

MINERALS MANAGEMENT SERVICE

Mr. President, I have come to the floor to talk about a new report that the Interior inspector general has released on the offshore oil and gas leasing program.

Several years ago, I stood on the floor and spoke for several hours in an effort to draw the Senate's attention to the mismanagement of this offshore oil and gas leasing program. Today we have learned, with the inspector general's report, that nothing has changed. What they have shown, the inspector general in this report, is that the Royalty-in-Kind program, one of the key royalty programs that they looked at, is a horror story of mismanagement and misconduct.

The inspector general looked at the Minerals Management Service, and said, with respect to this royalty program, there is a "culture of ethical failure." Nearly one-third of the entire staff of the Royalty-in-Kind program accepted gifts and gratuities from the oil and gas companies with which they were conducting official business.

There are stories of drug use. There are stories of inappropriate sexual relationships. The inspector general confirmed that two Royalty-in-Kind employees were running a side consulting business for oil and gas companies with which the Royalty-in-Kind program was doing business.

The inspector general's report detailed how Royalty-in-Kind managers, instead of working for the taxpayers' interests, were working for their own self-interest, ingratiating themselves with the very oil companies they were charged to negotiate fair deals with on behalf of American taxpayers.

Now, some are probably wondering exactly how much money has been lost as a result of this mismanagement and misconduct. The bottom line from the inspector general's investigation is there is no way to determine how extensive the abuses in this program have been. There is no way to determine exactly how much money the American taxpayer has lost. Because the record keeping has been so shoddy, it is not possible to figure out exactly what these losses are.

I am very hopeful, as a result of this extraordinarily important report by the inspector general, that it will be possible to clean house finally at the Minerals Management Service. I hope it will be possible.

You say to yourself: How can it be that these things are done at this agency today? What would it take to get a serious audit program at the Mineral Management Service? I hope it will be possible now to make changes in this program, to make it crystal clear that the Federal Government will no longer employ someone serving an interest other than the public's.

Whether you are a secretary or manager or the guy or the gal who is cleaning up, if you want to work for the public, then you need to take the public's trust seriously.

Now, you say to yourself, this should pretty much go without saying. But particularly this afternoon, as the Congress is on the eve of a historic debate about the future of energy policy, you ought to say: Let's clean up the abuses that are taking place in existing leasing programs that are going to continue and possibly be expanded under the legislation that the Congress will consider shortly.

Some of the Minerals Management Services problems also involve a law that was written originally in the mid-1990s, when the price of oil was low. When the price of oil was around \$15 a barrel, the Congress said: Let's give oil companies a financial incentive to drill on new leases in the Gulf of Mexico. The law said that while the oil companies were drilling on public land, they didn't have to pay the Federal Government the required royalties until the price of oil rose high enough for the companies to make a profit, obviously a little bit different time than today. Oil prices, of course, have not stayed low. It turns out that royalty relief didn't phase out the way it should have.

We learned the Minerals Management Service, the part of the Interior Department charged with issuing and administering offshore leases, bungled things so badly they forgot to include provisions in the leases requiring royalties on those particular leases. The Government Accountability Office has estimated that just this dereliction of duty would cost American taxpayers as much as \$11.5 billion. The Government Accountability Office recently has updated that amount and the impact is several billions of dollars higher.

The Congress has held hearings on this management failure, but the fact is, nothing has been done to fix the problem.

To add further insult to the injuries suffered by taxpayers, the oil companies operating in the gulf, led by Kerr McGee, sued the Federal Government, claiming they shouldn't pay royalties on any of the oil from any of the 1995 to 2000 leases, no matter how high the price of oil went. They got a judge in Louisiana to agree with them. The Federal Government is appealing the case.

Senator KYL and I have been working on a bipartisan basis to try to get this corrected, but in the 2005 Energy bill, the Congress extended the exemptions for new leases in the Gulf of Mexico from royalty payments for both oil and natural gas wells, despite the fact that oil was already \$50 a barrel. This is a loophole that remains in effect until June of 2010 and is going to allow current and future leases in the Gulf to continue to avoid even more royalties while additional profit is generated at record prices.

The Bush administration has proposed repealing these 2005 royalty relief provisions, but they are still in place.

This is the time to get control of this runaway stallion. We are talking about millions, certainly billions, in terms of the cumulative cost of the program, and these practices take your breath away.

Let me read from one paragraph from the summary the inspector general has issued. One paragraph talking about three employees says: The results of this investigation paint a disturbing picture of three senior executives who were good friends and remained calculatedly ignorant of the rules governing postemployment restrictions, conflict of interest, and Federal acquisition regulations to ensure that two lucrative contracts would be awarded to a company created by one of them and then later joined by another.

These are such clear examples of abuse that no matter what one says, you have to say this is unacceptable. The inspector general found that between 2002 and 2006, nearly one-third of the entire Royalty-in-Kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with which the Royalty-in-Kind Program was conducting official business. We are talking about 135 occasions involving gifts and gratuities. They went on to say that the inspector general discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, alcohol abuse associated with the program, where there was socializing by staff with the industry.

I have suggested two steps today that strike me as obvious changes that should be put in place. First, there needs to be an effort to clean house at the Minerals Management Service so that we get these practices behind us. We also have to get back in the serious business of auditing these programs where millions and billions of dollars are involved.

I want to commend particularly the inspector general of the Department of the Interior for his outstanding work in putting together this report. This is one of a series of reports that the inspector general has issued in this area. I and the chairman of the Energy Committee, Senator BINGAMAN, have worked closely with colleagues to try to get these changes put in place. Senator BINGAMAN in particular has offered a number of promising legislative changes to deal with the royalty issue.

I wanted colleagues to know in particular about this Office of Inspector General inquiry into the Minerals Management Service, given the debate that is about to begin in the Senate.

We will be, as far as I can tell, spending much of the remainder of this session talking about these and similar programs. I happen to think it is possible for us to do our work in a bipartisan fashion, get in place energy changes that will allow us, in the area

of alternative energy supplies and renewables, to make significant progress. I have made it clear that particularly with respect to additional opportunities for drilling, be it in the Gulf of Mexico, and maybe other areas, I am open. What I am not open to is the continued abuse of taxpayers in these essential programs involving public resources. We are talking about public lands. We are talking about public resources. It is one thing when private companies drill on private lands. It is quite another when they are developing energy on public lands and, in my view, taking advantage of programs that were set up years ago when the price of oil was \$15 a barrel.

It is time to clean house at the Minerals Management Service. It is time to get back in the business of accountability and rigorous oversight of these leasing programs that involve such extensive amounts of taxpayer funds.

I hope all colleagues will look at the report issued by the inspector general of the Department of the Interior. It provides a clear roadmap for how the Congress ought to proceed in terms of correcting these programs, ending the pattern of abuse and mismanagement, and changing the channel from the current horror show of mismanagement and misconduct at the Minerals Management Service.

I yield the floor and 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. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. LEVIN. Could we have a time set for the Senator's presentation? Can he give us an idea about how long he would be?

Mr. DORGAN. I would expect to be about 15 minutes. Is there some intervening business the Senator wishes to conduct?

Mr. LEVIN. That is helpful. I wonder if Senator DORGAN could be recognized for 15 minutes. I will ask unanimous consent to extend it, if necessary, but it will give us an idea how we can proceed, and then I ask unanimous consent that following Senator DORGAN, the Chair recognize the managers.

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

Senator DORGAN is recognized for 15 minutes, and then the managers will be recognized.

Mr. DORGAN. I thank Senators LEVIN and WARNER for their leadership on the Defense authorization bill and the Armed Services Committee which brings to us the Defense authorization bill. They held a hearing on the subject

of Iraq contracting at one point in their committee, and I went to testify before that hearing. It is interesting that at that hearing my testimony about a range of issues with respect to subcontractors doing contracting in Iraq was contradicted by an Army general. That Army general is now under investigation because it is anticipated that Army general did not provide truthful testimony to the committee. One of the things I wanted to talk about today was about the issue of profound waste of money with respect to Iraq contracting. But then I want to talk about how much money we have committed and how much we have appropriated and, for that matter, authorized to Iraq at a time when the special inspector general for Iraq tells us that that country is pumping out about 2 million barrels of oil a day, selling it on the open market, amassing substantial cash for their own country, and the Iraqi treasury is now expected to have a surplus of around \$50 billion. The Government of Iraq is accumulating a surplus of about \$50 billion currently, and it is estimated to be \$79, perhaps \$79 billion by the end of the year.

Contrast that with this country. Iraq is pumping oil, 2 million barrels a day, selling oil. We go up to the gas pump and put gas in our cars and pay money that ends up in Iraqi banks. In fact, that Iraqi money is in the Federal Reserve Bank in the United States. Meanwhile, Americans are paying high prices for oil, part of which ends up in Iraqi coffers, and Iraq has about \$50 billion, while we are up to our neck in debt. It is unbelievable. We have a fiscal policy that is wildly out of control. We are going to borrow \$600 to \$700 billion this year. We are spending money for reconstruction in Iraq.

Let me show a picture of something called the Whale. The Whale is a facility that has been built in Iraq, and it is a facility called the Kahn Bani Sa'ad prison. If we take a look at this picture, we see bricks falling all over, an unbelievable mess. This doesn't look like a building. It looks like a construction site that is under substantial disrepair.

Let me tell the story about the Kahn Bani Sa'ad prison. Our Government told them that they had to build this prison. We are going to build this with American money. The Iraqi said: We don't need this prison. We won't use this prison. If you are going to build it, it is built in the wrong location, but we don't want this built.

The American Government said: We are going to build this prison. They contracted with Parsons Corporation for \$30 million. My understanding is that after spending \$30 million, they actually got rid of that contractor and brought another contractor in and spent another \$10 million. Here it sits. They call it the Whale. It sits on the sands of Iraq, paid for with American taxpayer money, never used, will never be used. It is shoddy construction,

bricks are falling apart. It is unbelievable. It is a hood ornament on incompetence in my judgment, the Whale.

How much more of this should we do? I have spent a career on the Senate floor talking about how miserable the oversight has been with respect to these contractors. Here is one small but illustrative example. A contractor was supposed to be buying towels for the troops, little hand towels, Kellogg, Brown & Root, a subsidiary of Halliburton, buying hand towels for the troops. Henry Bunting, a purchasing employee, is told: Buy hand towels for the Army. So he orders some white hand towels.

His supervisor said: You cannot do that. You have to buy hand towels with "KBR" embroidered on them, the name of the company.

He said: That will triple or quadruple the price of these towels.

His supervisor said: That doesn't matter. This is a cost-plus contract. The taxpayers will pay for that.

So the towels ordered for American troops were towels with "KBR" embroidered on them—Kellogg Brown & Root—at triple or quadruple the cost to the American taxpayer.

There were \$85,000 trucks left behind to be torched—brandnew \$85,000 trucks left beside the road in Iraq to be torched—because they had a flat tire, they did not have a wrench to fix it, or had a plugged fuel pump and they did not have the tools to fix it. These weren't dangerous areas where there was a concern about being attacked. These were pacified areas where a repair could have been made. But the decision was to just have the truck torched, because taxpayers could just buy new ones.

You think these are stories that are wild? No. That is just the beginning. I have held 17 hearings on it.

I say to Senator WARNER, he will recall the day I came to the committee and testified about this issue. He will recall a General Johnson who testified just after me and said: Senator DORGAN is wrong about this. Then he told you what he thought the truth was. It turns out he deceived the committee.

That General Johnson is now under investigation by the Secretary of Defense. I asked the Inspector General to look into the testimony—my testimony and his. Several weeks before General Johnson came before the Armed Services Committee, the Inspector General had furnished a report, an interim report, to the military saying exactly the opposite of what General Johnson told the Armed Services Committee.

I appreciate the fact that Senator WARNER held that hearing, and I also appreciate the fact that Secretary Gates is now investigating because, if anything, we desperately need people who come to this Congress to testify to tell the truth and not deceive the Congress. That particular issue was a water issue that was providing water—this was Halliburton and Kellogg

Brown & Root providing water—to the military bases in Iraq. The allegation has been since sustained, by the way, by the inspector general's report.

Mr. WARNER. Mr. President, I do recall very vividly the Senator coming before the Senate Armed Services Committee—I believe I was chairman at that time—

Mr. DORGAN. I say to the Senator, you were the chair of the hearing

Mr. WARNER. For the purpose of bringing to the attention of the committee this very important issue.

Mr. DORGAN. Mr. President, that particular issue was the provision of water to the military bases in Iraq. We discovered the nonpotable water that was sent to the bases for showering, shaving, brushing their teeth was twice as contaminated as raw water from the Euphrates River because the contractor was not doing its job and not testing the water.

Well, I will not go on. I could go on at great length talking about the unbelievable waste. But what I do want to say is this: In recent months, what we have discovered is that in the country of Iraq they are amassing a very substantial amount of money. At the moment, we believe it is \$50 billion and expected to grow to \$79 billion in budget surplus in their bank accounts by the end of this year.

It seems to me from an infrastructure standpoint it is time—long past the time, in fact—for Iraqis, who have money in the bank—and a lot of it—to begin providing their own needs and infrastructure and investment. It is interesting to me and somewhat depressing, I would say, that in this year we are building somewhere close to 950 water projects in the country of Iraq. Let me say that again: about 950 water projects in the country of Iraq—with American taxpayers' money at the same time the President has recommended that we cut \$1 billion out of water project investment in this country. It does not make much sense to me.

Now, here is what I propose. There are three accounts for which we have appropriated American taxpayers' dollars in which a substantial amount of that is as yet unspent and, in fact, a substantial amount unobligated. I believe when we have some billions of dollars that have previously been appropriated but are unobligated, that at this point—given the fact that Iraq has substantial surpluses and we have substantial deficits, given the fact that we have spent somewhere now over two-thirds of a trillion dollars in the pursuit of the war in Iraq and Afghanistan, and so much of it has been infrastructure investment in addition to replenishment of the military accounts—I believe it is time for us to take at least a baby step and say: Do you know what. With respect to that which has been appropriated but is yet unobligated, it is time to ask the Iraqis to pay for the cost of this with their surplus that sits in a Federal Reserve bank.

Now, let me provide some evidence of all of this.

The New York Times of August 6, that is last month:

Soaring oil prices will leave the Iraqi government with a cumulative budget surplus of as much as \$79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

Does this make sense? Does anybody think this makes sense? We are deep in debt. They have massive cash reserves they are building every single day by pulling up 2 million barrels of oil and selling it on the market, and we are told we should keep paying for these costs? It does not make much sense to me.

A Government Accountability Office report to Congress from last month:

[From 2005 to 2007], the Iraqi government was unable to spend all the funds it budgeted, especially for investment activities.

I am not talking about the surplus now. The surplus is that which is over the amount of money the Iraqi Government was going to spend. They could not spend the amount of money they decided to spend, and yet they have accumulated large surpluses beyond that.

Significant amounts of unspent money from the 2006 and 2007 Iraqi budgets remain available for further infrastructure investment by the Government of Iraq.

That is from the Special Inspector General for Iraq Reconstruction Report to us dated July 30.

Iraq Deputy Prime Minister Salih said, as noted in the special inspector general's report to Congress on July 30:

Iraq does not need financial assistance. "Iraq does not need financial assistance."

This is just another example of that which I have held 17 hearings on. This is an April 30, 2006, article:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has in some cases produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls. . . .

This is a picture of a man named Judge Al Radhi. Judge Al Radhi was selected by us, by the Coalition Provisional Authority, by Mr. Bremer, to be the Commissioner of Public Integrity in Iraq. He found \$18 billion of graft and corruption. He found examples where we appropriated money for Iraq to buy airplanes, warships, and tanks, and there are no airplanes, warships, and tanks purchased with that money. The money is gone, but the equipment does not exist. By the way, one of the Ministers from the Government is now living in a plush place overseas, and the money apparently is in a Swiss bank. This man, by the way, was not even supported by our own State Department. Eventually, the Iraqi Government wanted to get rid of him, and they did. A substantial number of the people who worked for him were assassinated. They tried to kill him a couple of times. He came. He had the courage to come and testify before a committee

hearing that I requested before the Senate Appropriations Committee.

He said \$18 billion was taken—most of it American money. He talked about the Ministers who took it and where they are now and the tanks and ships and planes that were supposed to have been purchased with our money that did not exist. The money is gone. The equipment does not exist.

Well, Mr. President, that is a long way of saying that, obviously, I am impatient about all of these issues, having held a lot of hearings on all this. My colleague, Senator LEVIN, has spoken of this issue often, recently, and going back some long while on the subject of who should bear these costs.

If the Iraqi Government has substantial amounts of money in bank accounts in surplus—\$50 billion now and \$75, \$79 billion by the end of the year—should they not bear the cost of some of their own reconstruction rather than continue to ask—after 5 long years—the United States, which is deep in debt, to have to bear this cost and bear the burden? The answer clearly is yes. We ought to ask Iraq to do more.

Now, I am going to offer an amendment. I am not asking us to take a giant step. But let's at least take a baby step in the right direction, a reasonable step toward common sense, to say: Do you know what. We are off-track in fiscal policy. We have an unbelievable mess, and it is time to start taking a look at some of this spending and using a deep reservoir of common sense on this issue. At this point in time it is reasonable for us to say if the county of Iraq is selling 2 million barrels of oil a day, amassing very large amounts of surplus in their treasury, we ought to be relieved of the burden of using American money to build infrastructure in Iraq that could easily, and should be, built with Iraqi money.

It is not the case of us abandoning the Iraqi Government. But it is the case of saying we ought to expect them to do for their own, which they can. Again, I just refer to the comment that was made by the Deputy Prime Minister of Iraq, who said:

Iraq does not need financial assistance.

That ought to be an invitation, finally, at long last, for us to use some common sense in the way we begin to address these issues.

There are appropriated funds that are as yet unspent and unobligated. It seems to me appropriate for us at this point to begin to look at finding ways to decide that those funds, rather than being spent and burdening the American taxpayer, should be covered by the surpluses that exist in bank accounts with the name of the county of Iraq on the account.

Mr. President, I intend to work with my colleagues on the amendment I will offer. But I did want to describe the reason for it today. I appreciate very much the time offered to me by the chairman and ranking member.

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

Mr. LEVIN. Mr. President, I commend the Senator from North Dakota. This subject, which he has described, is a subject which every American—at least those I have spoken to—understands. Regardless of their position on the Iraq war, regardless of whether they believe we did the right thing going in, regardless of whether they are critics of the Bush administration's policies, this cuts across every single line. I have not talked to anybody, at least in my State of Michigan, who believes that when Iraq has \$80 billion in surplus funds sitting in banks, some of which are our banks drawing interest from our taxpayers—we have paid billions of dollars in interest on Iraqi surplus accounts coming from sales of oil, much of which comes to America, much of which ends up in our tanks at \$4 a gallon, enriching themselves at the expense of the American taxpayers. Why in heaven's name they are not paying for the kinds of items which Senator DORGAN has described beats me and I think it absolutely stuns at least every American I have spoken to when they hear about it. This cuts across all the positions on the war and the success of the surge or the lack of success because it hasn't accomplished its purposes.

This issue is a critically important issue. It is shocking. It is unsustainable, it is untenable, it is unconscionable that Iraq is not paying for the kinds of reconstruction efforts the Senator has described.

Senator WARNER and I wrote a letter some months ago, and we received a response on this subject which provides a lot of the information to which Senator DORGAN has referred. I commend Senator WARNER because he has been active in trying to probe this area: How many surplus funds are there and how much is being added every day and what are they being spent for? So we have been able to accumulate a lot of information which I believe will be very supportive of an amendment which Senator DORGAN may offer and hopefully will put in a form which can command bipartisan support of the Senate.

Mr. DORGAN. Mr. President, if I might just make an observation, let me also thank Senator WARNER from Virginia for his work on this, and the Senator from Michigan, and say that this publication—and I know the two of you have been very supportive of it—by the special inspector general for Iraq—this is dated July 30, so it is 2 months ago, a month and a half old. This publication has some unbelievable information in it about what is necessary, what kinds of expenditures exist in the major reconstruction accounts. There is at the moment \$7 billion in the three reconstruction accounts that is unspent and unobligated.

As I move this amendment, I wish to work with both of you to see if we can construct the amendment in a manner that meets your needs and my needs because I believe this will make real progress.

Again, I thank both the chairman and the ranking member for their work on these issues. I am well aware of the letter they wrote some months ago.

Mr. WARNER. Mr. President, if I might add, I appreciate the sentiments of both of my colleagues. It has been a joint effort by Senator LEVIN and me.

Mr. President, I ask unanimous consent to have the letter we prepared printed in the RECORD after this colloquy.

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

(See exhibit 1.)

Mr. WARNER. I wish to also bring to the Senator's attention—he already knows, but those following the debate should have been advised that this letter prompted a GAO study, and that study, which was released recently, received widespread attention, not only here in the Senate and in the House of Representatives but throughout the Government and other circles. So I would say we are well along in achieving some—what I would call better accounting for these dollars, better control over the expenditures.

We have heard that the report is prepared by Stuart Bowen, whom I see regularly, three or four times a year, and I know my colleague and others feel likewise. I have a high regard for the work he and his staff have done through the years with that report. There was a time when there were elements of the Government—I won't get into specifics—which wanted to abolish that department. I think the Senator from Michigan remembers that. We stepped in and said in very simple language: No way; they are going to continue.

Mr. DORGAN. Mr. President, if the Senator will yield for a question or comment, I think the special inspector general, Stuart Bowen, has done a terrific job. I would commend all of my colleagues to take a look at the reports the special inspector general has issued. They are unbelievably valuable to us.

The Senator is correct. There were some who were pushing very hard to eliminate the special inspector general, and it was the fight waged by Senator LEVIN and Senator WARNER to say that would not make sense at all. So I appreciate the work of Inspector General Bowen, and I appreciate the work of my colleagues.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 6, 2008.

Hon. DAVID M. WALKER,
Comptroller General of the United States,
Washington, DC.

DEAR MR. WALKER: Nearly five years ago, on March 27, 2003, then Deputy Secretary of Defense Paul Wolfowitz, in testimony before the Defense Subcommittee of the House Appropriations Committee, was asked whom he expected would pay for the rebuilding of Iraq. He answered that "there's a lot of money to pay for this. It doesn't have to be U.S. taxpayer money. And it starts with the

assets of the Iraqi people . . . the oil revenues of that country could bring between 50 and 100 billion dollars over the course of the next two or three years. . . . We are dealing with a country that can really finance its own reconstruction and relatively soon.”

In fact, we believe that it has been overwhelmingly U.S. taxpayer money that has funded Iraq reconstruction over the last five years, despite Iraq earning billions of dollars in oil revenue over that time period that have ended up in non-Iraqi banks. At the same time, our conversations with both Iraqis and Americans during our frequent visits to Iraq, as well as official government and unofficial media reports, have convinced us that the Iraqi Government is not doing nearly enough to provide essential services and improve the quality of life of its citizens.

According to the U.S. Department of State's Iraq Weekly Status Report for February 27, 2008, the Iraq Oil Ministry goal for 2008 is to produce 2.2 million barrels per day (MBPD). To date through the 24th of February, the 2008 weekly averages have ranged from a low of 2.1 MBPD to a high of 2.51 MBPD, missing that goal for one week only. Exports are over 1.9 MBPD, with revenues estimated at \$41.0 billion in 2007 and \$9.4 billion in 2008 year to date.

Extrapolating the \$9.4 billion of oil revenues for the first two months of 2008 yields an estimate of \$56.4 billion for all of 2008. And that figure will probably be low given the predictions for oil prices to continue to rise over the coming year. In essence, we believe that Iraq will accrue at least \$100.0 billion in oil revenues in 2007 and 2008.

We request you look into this matter and provide answers to the following questions:

What are the estimated Iraqi oil revenues each year from 2003–2007?

How much has Iraq and the United States, respectively, spent annually during that time period on training, equipping and supporting Iraqi security forces, and on Iraq reconstruction, governance, and economic development?

What are the projections for oil revenue and spending for 2008?

What is the estimate of the total Iraqi oil revenue that has accumulated unspent from 2003–2007, and the expected estimate at the end of 2008?

How much money does the Iraqi Government have deposited, in which banks, and in what countries?

Why has the Iraqi Government not spent more of its oil revenue on reconstruction, economic development and providing essential services for the Iraqi people?

Your assistance in this matter would be appreciated.

Sincerely,

JOHN WARNER,
Member.

CARL LEVIN,
Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

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

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

Mr. SESSIONS. Mr. President, I wish to express my appreciation to Senator

LEVIN and Senator WARNER and the staff and other members of the Armed Services Committee who have worked hard to produce a bill that I think does the job pretty well to meet the challenges we have and at the same time has bipartisan support, which is important for passage as it is one of the realities of this Senate. So I think we have done fairly well.

I wish to share some thoughts about some issues in general.

I think it was Fareed Zakaria who wrote a book not too long ago noting that perhaps we had reached the end of history or beyond history. I understand he has since indicated that is not a viable philosophy anymore. I saw the cover, I believe, in the Weekly Standard recently which said: “The Return of History.” History teaches us that this is a dangerous world. We wish it were not so. We wish we did not have to have a Defense Department. We wish there were no such thing as war. I respect people who are prepared to be total pacifists in their lives, but for most of us who lack that kind of faith, we believe we have to be prepared to defend our legitimate national interests around the globe and do those things with courage and fidelity and to think ahead, to be prepared, and that peace is most often accomplished through strength. I believe we have a pretty good recognition of that in this bill, and that is why I support it out of committee.

I wish to note the unease we have seen in some of the nations of the world. We know about the rogue nations. But it has been very troubling, I have to say, what Russia is doing today. It seems in their statements, in their comments, in their actions, and in their military aggression that they are not seeking to align themselves with nations of good will that seek to work in ways that avoid military conflict, that act in ways that are just and fair to their neighbors. So that is a big problem, some of the things they have been saying to the Czech Republic and Poland about missile defense; some of the threats they have raised toward the Baltics; the military attack they launched in Georgia; their rhetoric in Georgia; their rhetoric toward the United States represents almost bizarre activity. That is something I had hoped wouldn't happen. I think President Bush has done everything he could, saying that he divined in examining Mr. Putin that he had a good heart, but it looks as if that heart is—if it was good then, it is getting darker and darker today. I just wish it weren't so, but I am afraid it is so.

We are looking at what is happening in China, whose economy continues to grow. There is a very nationalistic impulse in China. Their military is growing at a rapid pace. It is technologically advanced. We spend billions and billions of dollars on developing weapons systems and research and development. Too often, China steals that information and then produces a

system that may well be comparable in some aspects for a far less investment than we put into it.

So those are things we face in the world today. I think a wise nation, a mature nation understands that you have to be prepared, that you have to be ready to defend your values, and that allowing nations that do not share our values to achieve military parity or advantage is not a good thing.

I wish to share, along those lines, a resolution I will be offering. It will be to call on this Senate to exercise its prerogative to make a statement through a sense-of-the-Senate resolution that we affirm the action taken by the Czech Republic and Poland to accept and participate in our goal of establishing a third site for missile defense in Europe. Missiles launched by Iran would pass over Europe before they reached the United States. Truly, Iran does not have that capability today, but our intelligence experts tell us they are moving forward with progress toward that goal. They also seem totally unrepentant with regard to their determination to build nuclear weapons, which is even more problematic as we think about the possibility that they could launch a nuclear weapon attack against our allies or even against the United States. Central Europe represents a good location to place another missile defense system.

I heard someone suggest: Well, the Russians have a right to be concerned. We were concerned when the Russians put missiles in Cuba. But, of course, those were offensive nuclear weapons designed to kill people. What we are talking about is operating with independent, sovereign nations to put a system up that would have limited capability to protect us from missile attack. It has no offensive capability. It is a defensive, peacekeeping weapons system.

For reasons that go beyond my comprehension, the Russians have apparently felt that they have a right to decide what the people of Poland do or what the people of the Czech Republic do. They are going to tell them that they can't have such a system. They at one time were under the Soviet boot, so now the Russians have a right to tell them that they can't—as an independent, sovereign, democratic Nation—make a decision that is in their interests and in the world's interests and in Europe's interests and in NATO's interests to place a limited missile defense system there. What kind of mentality is that? I say that because that ought to give us concern in this body. We ought to be concerned about that kind of mentality. It spilled out in a military attack in Georgia. It was not coincidental that while the Russian troops were still attacking in Georgia, high Government officials from Poland and the Ukraine and, I believe, Estonia came to Georgia and stood with them because they have a real sense that they might be next. They have not forgotten what Mr.

Putin said last year or the year before—less than 2 years ago. He said the greatest disaster of the 20th century was the collapse of the Soviet Union.

What does that have to say about Russia's mentality and approach to life today? We were at a NATO conference not too long ago, and one nation that had been under the Soviet Communist boot, in response to that, and after our discussion, said they thought that may have not been the worst thing in the 20th century. They said they thought it was the best thing that happened in the 20th century. That is the kind of reality we are dealing with in the world. It tells us we are not beyond history. History is here. It has not gone away.

We need to be very smart about how we utilize our limited financial resources to prepare ourselves for the future. These are problems we have to think about. Of course, we have the immediate threat of terrorism. We know the history of the attacks on the United States, on our warship, the USS *Cole*, in a neutral harbor; marines have been attacked; the Khobar Towers—by a group of people whose stated objective was to destroy us. Bin Laden declared war on the United States. That is what he said on his Web site—that he was at war with us. He killed so many of our people on 9/11, and destroyed the trade towers and attacked our own Pentagon, our own military headquarters right here in the United States. Is that not an act of war? Is that not consistent with a desire to destroy the United States? They had the Capitol or the White House in their sights, had it not been for the American heroes who took that plane down in Pennsylvania. So I guess we have to prepare for that. I wish it weren't so. I wish we could sit down with these terrorists and have a few hours of discussion and reach some accord that would result in us not having to prepare to spend billions of dollars to defend our interests around the world, and they would stop attacking us. But that is not likely to happen. That is not going to happen in the short term.

President Bush was right, fundamentally, in his decision that we would not sit on defense and wait to be attacked again. He made a fundamental decision that the best way to preserve, protect, and defend the United States of America is for our military to quit being on the defensive and allowing terrorists to be treated as a law enforcement problem and, after they attack you, you see if you cannot investigate and figure out who it is and perhaps prosecute somebody. We needed to defend America and stop the attacks before they came. That is what I believe history will give him high marks for. It has been going on 6 or 7 years and we have not had another attack on this country. It has been a challenge for us. We have called on our military to perform to the highest level. We have sent them time and again into dangerous places. We have extended their deployment.

We hated to do that, but we have done it. They have met the challenge and they have answered the call. They have been successful in protecting us. We don't know how things will come out, but I believe we will be able to see the government reach maturity in Iraq—a decent and good government that is a positive force in the world, and likewise in Afghanistan.

I think we should be prepared as a Senate to affirm the action of Poland in recent weeks to approve the deployment of 10 missile interceptors in Poland. That could be effective against an Iranian attack or maybe a mistake. It would not be enough to stop the hundreds of missiles the Russians have, for Heaven's sake. It would not be able to do that, but it would be able to protect Europe, and even the United States, from the long-range missiles that Iran is striving to build right now. It is also a good way to bind our countries in mutual security and mutual interests, and it affirms the Czechs' and the Poles' commitment to democracy and freedom, to the Western way of life, to the values we share, and a rejection on their part of terrorism and bullying. We will be offering that resolution, and I will talk more about it.

We also need to be sure that we follow through on the authorization to send this bill and actually see that the money gets appropriated in the next aspect of Defense spending. For example, I will note that our committee, I am most proud to say, has fully funded and given the authorization to fund the site for the Czechs and the Poles, who have supported the President's request in that regard. I think it was a very important decision on our committee. Other committees of the Congress that have relevant jurisdiction to put out the money have not been as supportive. I am proud that our committee has been. It is important for these other committees—it is important in the geopolitical world we are in that our friends, our allies, free sovereign nations, Poland and the Czech Republic, have stood up to pressure from Russia and they have stood up to leftist complaints, and they have agreed to deploy this system.

We ought to affirm it with a strong vote on this resolution and, ultimately, in passing an appropriation that is adequately funded. It is not going to be difficult to put this system in place. It would require some little differences in the missile system. We need a two-stage instead of a three-stage rocket. That is not hard to adjust to. But the main guidance systems, the high technology, would be the same. We are on track to do this.

Our bill that Senators LEVIN and WARNER have moved forward to the floor does the right thing. I hope this Congress will explicitly express our appreciation to the Poles and Czechs and reaffirm our commitment to financially complete that project.

I see other colleagues here. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I yield the floor to the assistant leader.

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

AMENDMENT NO. 5414

Mr. KYL. Madam President, I send an amendment to the desk for myself and Senators VITTER, INHOFE, MARTINEZ, WARNER, and LEVIN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 5414.

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

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

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-wide activities, \$89,000,000 for the activation and deployment of the AN/TPY-2 forward-based X-band radar)

At the end of subtitle C of title II, add the following:

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to \$89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY-2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Mr. KYL. Madam President, I express my strong support for the amendment I offered on deploying an advanced early warning radar to an allied country from near term ballistic missile threats.

This is a commonsense amendment and I hope it receives wide, bipartisan support from my colleagues.

We all know what other countries are developing: We are now living in a world in which at least 27 nations have ballistic missile capability, and the knowledge to build and use them is rapidly proliferating.

Most recently, Iran's clumsy missile test earlier this summer may not have demonstrated new technology, but it certainly demonstrated the desire to be in the club of the nations with ballistic missile and weapons of mass destruction capability. As the latest IAEA report informed us, the Iranian missile threat is real and growing.

General Obering, director of the Missile Defense Agency, offered compelling illustrations of this growing threat in his testimony earlier this year to the Senate Armed Services Committee: "Iran continues to pursue newer and longer-range missile systems and advanced warhead designs."

"Iran is developing an extended-range version of the Shahab-3 that could strike our allies and friends in the Middle East and Europe as well as our deployed forces. It is developing a new Ashura medium-range ballistic missile capable of reaching Israel and U.S. bases in Eastern Europe."

"Iranian public statements also indicate that its solid-propellant technology is maturing; with its significantly faster launch sequence, this new missile is an improvement over the liquid-fuel Shahab-3."

The amendment offered provides funding for the Missile Defense Agency to deploy an early-warning X-band missile defense radar to an allied nation, which press reports have noted was agreed to in meetings with senior DOD leaders and the allied nation's defense leaders. Due to the sensitive nature of preparations for this deployment, details concerning the specific location and operational concept have not been publicly revealed.

However, spokesman for the Missile Defense Agency said the new system could double or even triple a threat missiles' range of identification, which would be particularly useful should countries such as Syria or Iran launch an attack against a critical allied nation.

The new capability will improve the allied nation's missile defense capability, allowing it to engage threats such as the Iranian Shahab-3 ballistic missile. A defense security expert said the significance of the deal is that it will add "precious minutes" to its early warning ability.

The newly deployed early warning radar will also provide an important element of the U.S. missile defense network, providing ascent and mid-course coverage of missiles, launched from Iran, as well as the eastern Mediterranean.

Mr. President, this amendment is common sense and I urge my colleagues to support it. Rogue nations

such as Iran are dangerous and represent a vital threat to our own security and the security of our allies.

Iran possesses ballistic missiles and is rapidly developing more advanced, long-range missiles.

The U.S. must act responsibly, take this threat seriously, and take the necessary steps to protect our deployed forces and our allies.

Madam President, I thank Senator LEVIN and Senator WARNER for their cooperation in considering this amendment. This is a rather last-minute request. The committee would not have been able to put it in the bill because the request came up very recently from the Department of Defense. There is still an aspect of it that is classified. It has to do with the deployment of an X-band missile defense radar to an allied country. This amendment will allow the administration to go forward with that plan. I understand there is no opposition. I don't need to discuss it further.

Mr. WARNER. Madam President, I commend our distinguished colleague for this amendment. It is one that was specifically requested by the administration. I think in a most cooperative way, our distinguished chairman has joined in. It relates to the missile defense system which is so essential to our Nation and indeed much of the free world.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank Senator KYL for not just the amendment but his willingness to work to craft the language in a way that I think has improved it, narrowed it in a number of ways, but also meets the needs of the Defense Department and our allies.

Mr. WARNER. Madam President, I urge consideration of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 5414) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask that Senator LEAHY's amendment No. 5323 be considered.

The PRESIDING OFFICER. Without objection, the amendment is once again pending.

The Senator from Virginia is recognized.

Mr. WARNER. Madam President, on this side, I saw that the amendment was sent to the Judiciary Committee. The distinguished Senator from Alabama, Mr. SESSIONS, reviewed it. I know of no request for a recorded vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. LEVIN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

AMENDMENT NO. 5323

Mr. LEVIN. Madam President, is the pending amendment now the Leahy amendment No. 5323?

The PRESIDING OFFICER. Yes, it is.

Mr. LEVIN. I don't know of any further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5323.

The amendment (No. 5323) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate resume consideration of the Vitter amendment No. 5280 and that all debate time be yielded back, except for 2 minutes equally divided; and that at 6 p.m., the Senate proceed to vote in relation to the Vitter amendment; that upon disposition of the Vitter amendment, the Senate resume consideration of the Nelson amendment and proceed to vote with respect to that amendment, provided that the 2 minutes of debate be made available prior to the vote; and that the other provisions of the previous order governing prohibition on intervening amendments prior to a vote and any other appropriate restrictions remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I will not object, I think we should either order the rollcall votes now or inform colleagues there will be rollcall votes.

Mr. LEVIN. I believe when we say the Senate proceed to vote at 6 o'clock—the unanimous consent request does intend to provide for rollcall votes on both amendments described. I thank my friend from Virginia for that clarification.

Mr. WARNER. I want my colleagues fully informed.

Mr. LEVIN. I also ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. With respect to both amendments?

Mr. LEVIN. With respect to both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Mr. LEVIN. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, we had a very brief discussion whether the second vote will be a 10-minute vote. It is part of the order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LEVIN. I thank all our colleagues. I thank the Senator from North Dakota for his patience.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the bill on the floor of the Senate is the Defense authorization bill. It has much to do about the security of this country, talking about "defense." Tomorrow will be the seventh anniversary of the attacks on September 11, 2001.

I was sitting here thinking that on that morning at 9 o'clock, I was part a regular Tuesday morning meeting of the Democratic leadership here in the Capitol Building. We saw on television what happened to the trade towers in New York. We heard the television reports, and then we saw the plume of smoke come from the Pentagon. Then someone from security rushed into the room and indicated they felt there was an incoming plane to strike the Capitol Building, and we were very quickly evacuated. That was 7 years ago tomorrow.

Standing in the beautiful morning sun that day looking up into the sky and seeing F-16 fighter planes flying air cover over the Capitol of the United States was a pretty remarkable sight, knowing our country had been attacked. Then in very short order we discovered who attacked our country that day, who attacked the World Trade Towers, who attacked the Pentagon, who brought down the plane in Pennsylvania. We discovered it was a group called al-Qaida and a leader named Osama bin Laden who not only plotted the attack but boasted and took credit for the attack. That was 7 years ago tomorrow.

Because we are talking about national security in the Defense authorization bill, I wanted to call my colleagues' attention to the fact that on August 12, 2008, a speech was given here in Washington, DC, by the National Intelligence Officer for Transnational Threats. He addressed the Washington Institute Special Policy Forum. What he said in many ways tracks with what we heard last summer from the National Intelligence Estimate.

Let me put up a chart with some words from the National Intelligence Estimate because it is relevant to what we are talking about here on the Defense authorization bill, that is, de-

fending our country, keeping America free. Here is what last year's July 2007 National Intelligence Estimate says. This is the declassified version of what had previously been and what was a classified intelligence estimate:

Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Think of that. In July 2007, 6 years after America was attacked by Osama bin Laden, and our National Intelligence Estimate was telling us that organization has regenerated its leadership, has developed new training camps, has, in fact, a secure hideaway. This says "safe haven." Can you imagine? Now it is 7 years after the attack, and our intelligence community still says those who boasted of murdering thousands of innocent Americans have a "safe haven." There ought not be an acre of ground on this planet that is safe for those who murdered those innocent Americans 7 years ago tomorrow.

Let me read what was said by Mr. Ted Gistaro, who is the National Intelligence Officer for Transnational Threats. Here is what he said in August:

Al-Qaida remains the most serious terrorist threat to the United States. We assess that al-Qaida's intent to attack the U.S. homeland remains undiminished. Attack planning continues. In spite of successful U.S.-allied operations against al-Qaida, the group has maintained or strengthened key elements of its capability to attack the United States in the past year.

This from our intelligence community.

Finally:

Al-Qaida has replenished its bench of skilled midlevel lieutenants capable of directing global operations. It now has many of the operational and organizational advantages it once enjoyed across the border in Afghanistan. Al-Qaida is identifying, training, and positioning operatives for attacks in the west, likely including in the United States.

All of this from top intelligence officials in our country. Seven years after we were attacked by those who boasted about engineering and planning the attack to murder innocent Americans, those who have promised to do it again, we are told by our national intelligence folks that they have regenerated their capability, they have resurrected their training camps, they are recruiting new recruits to al-Qaida, and that the most significant threat to the United States is al-Qaida, the most serious terrorist threat to our homeland.

Now, I don't understand. We are, of course, bogged down in a lengthy war in the country of Iraq. Iraq did not attack our country on 9/11/2001; al-Qaida did. We are bogged down in a war in Iraq. We see Afghanistan slipping through our fingers with the resurrection of the Taliban. And even more im-

portant, we are told that the most serious threat to our country—we are told by intelligence estimates—is al-Qaida, which is growing in strength. So here we go again.

In August of 2001, the Presidential daily brief said that Osama bin Laden wanted to:

Bring the fight to America; wanted to conduct terrorist attacks in the U.S.; wanted to retaliate in Washington; wanted to hijack a U.S. aircraft.

The August 2001 intelligence briefing to President Bush talked of "Patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attack." It said that "The FBI is conducting approximately 70 full field investigations throughout the United States that it considers bin Laden related."

That was August of 2001. Seven years later, the greatest threat to our country is al-Qaida and its leadership. That is unbelievable to me. And we see, beginning last year—and I have shown my colleagues this before—beginning last year, September 11:

Al-Qaida's Return. The Terrorists Have a Sanctuary Once Again.

October 3 last year:

Pakistan seen losing the fight against the Taliban and al-Qaida. Military officials say the insurgents have enhanced their ability to threaten not only Pakistan, but the United States and Europe as well.

The same article says:

Pakistan's government is losing its war against emboldened and insurgent forces, giving al-Qaida and the Taliban more territory in which to operate and allowing the groups to plot increasingly ambitious attacks.

CIA Director Hayden, on "Meet the Press" this year, just months ago, said this:

It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

I have flown over that area in an airplane. You can't see a border. I understand you can't distinguish between Afghanistan and Pakistan. You look down and see mountains and you see rugged terrain. You don't see any kind of border. I understand how difficult it might be to deal with al-Qaida in that region. What I don't understand is why it has not been the singular priority of our country to bring to justice those who planned the attacks against our country on 9/11/2001. And if someone says it has been a priority, show me the evidence. Seven years later and we have "safe havens" or "secure areas," both terms used by our intelligence to describe areas of the ground on this planet where it is safe and secure for al-Qaida to recruit new soldiers, to train new soldiers, to plan new attacks against our country. That is unbelievable.

In my judgment, it must be a priority for us to deal with the most serious threat to our homeland. That is

not my assessment, that is the assessment of the CIA Director and it is the assessment of the National Intelligence Estimate. That simply must be a priority.

In August 2001 the intelligence community said "Bin Laden is determined to strike U.S." That is what we knew. That is what U.S. leaders we were told in the intelligence briefings. In July 2007 the intelligence community told us: "Al-Qaida better positioned to strike the west." One would have hoped, with the hundreds and hundreds of billions of dollars we have spent in defense of this country and in this country's national security interests, that one of the major priorities would have been to bring to justice those who plotted the attack of 9/11/2001. Regrettably, that has not been the case.

I hope very much, as we pass this legislation, that things will change. We have very big challenges. A terrorist threat exists. It is serious. It is relentless. It seems to me we will best be served not by moving—as we have now for 5 years—our money, our effort, our treasury, and the lives of our soldiers to continue the war in Iraq but, rather, by addressing the worsening condition in Afghanistan and addressing the question of why we have not brought to justice Osama bin Laden and the al-Qaida leadership that is in a safe or secure sanctuary in the Pakistan border area.

Now, Madam President, this country has a lot at stake, and the fight against terrorism is a real fight. We have made a lot of very serious mistakes in the last years. Mistakes aren't Republican or Democratic, they are just mistakes our country has made. We are bogged down in a long, difficult war in Iraq. We have spent \$20 billion training Iraqi soldiers and police forces. We have trained half a million people in the country of Iraq. We have spent \$20 billion doing it. We have spent two-thirds of a trillion dollars in that war, and yet we are told we must remain in Iraq because the Iraqi people aren't capable of providing for their own security. We have trained half a million of them. If able-bodied Iraqis don't have the will to provide for security in Iraq, this country can't do that forever. It is their country, not ours. It is their responsibility, not ours.

This country was diverted to Iraq when, in fact, this country should have been in a position where, 7 years after the 9/11 attack of 2001, we wouldn't be describing Osama bin Laden and al-Qaida as the greatest threat to the homeland. But that is what has happened. We can't change what has happened, but it seems to me what we can change is what we are determined to do about it in the future.

It is my hope, as we discuss in some detail our national security and defense, the authorization of Defense expenditures, that we will decide this is not Osama bin Laden; this is Osama bin Laden, who threatens this country, who is the most significant

threat to our homeland, and who is resurrecting training camps and recruiting new soldiers for al-Qaida. It is our responsibility as a country to address that and to address it now.

Madam President, I yield the floor.
The Senator from Florida.

DEPARTMENT OF INTERIOR IG REPORT

Mr. NELSON of Florida. Madam President, yesterday, I warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor the Federal watchdogs charged with keeping a watchful eye over them. Now we have proof because just this afternoon the inspector general at the Department of the Interior has released this scathing report about the Mineral Management Service in the U.S. Department of the Interior and specifically an office that manages revenue from offshore oil drilling, and it concludes:

We also discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, both within the program—including the supervisor, Greg Smith, who engaged in illegal drug use and had sexual relations with subordinates—and in concert with the industry. Internally, several staff admitted to illegal drug use as well as illicit sexual encounters. Alcohol abuse appears to have been a problem when program staff socialized with the industry. For example, two program staff accepted lodging from industry after industry events because they were too intoxicated to drive home or to their hotel. These same program staff also engaged in brief sexual relationships with industry contacts. Sexual relationships with prohibited sources cannot, by definition, be arm's-length.

The inspector general's report goes on to say:

More specifically, we discovered that between 2002 and 2006, nearly one-third of the entire program staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the Royalty-in-Kind Program was conducting official business. While the dollar amounts of the gifts and gratuities was not enormous, these employees accepted gifts with prodigious frequency. In particular, two Royalty-in-Kind Program marketeers received combined gifts and gratuities on at least 135 occasions from four major oil and gas companies with whom they were doing business.

This is in the offshore leasing program, Madam President.

I continue the quote:

... A textbook example of improperly receiving gifts from prohibited sources. When confronted by our investigators, none of the employees involved displayed remorse.

It is bad enough that the Government employees who oversee offshore oil drilling are literally, as well as figuratively, in bed with big oil. The rest of the U.S. Government doesn't need to jump in bed with them.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed by the inspector general of the Department of the Interior.

This comes out at a time that we are being told: Drill here, drill now, drill,

baby, drill—as if that were the solution. We should simply not allow ourselves to become a part of the agenda of the oil companies. Here we have an example from the inspector general of what is supposed to be the Government watchdogs overseeing a part of this offshore leasing program that uses sex and drugs and illegal gifts to foster their program.

I commend to my colleagues the three parts of the inspector general's detailed report along with the memorandum which is the cover memorandum from the inspector general, Earl Devaney, on the subject of the office of the inspector general investigation of the MMS, the Minerals Management Service, employees.

Madam President, I ask unanimous consent to have printed in the RECORD what is moving across the wire right now, the Associated Press story by Dina Cappiello, about this expose.

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

GOV'T OFFICIALS PROBED ABOUT ILLICIT SEX,
GIFTS

(By Dina Cappiello)

WASHINGTON (AP).—Government officials handling billions of dollars in oil royalties engaged in illicit sex with employees of energy companies they were dealing with and received numerous gifts from them, federal investigators said Wednesday.

The alleged transgressions involve 13 Interior Department employees in Denver and Washington. Their alleged improprieties include rigging contracts, working part-time as private oil consultants, and having sexual relationships with—and accepting golf and ski trips and dinners from—oil company employees, according to three reports released Wednesday by the Interior Department's inspector general.

The investigations reveal a "culture of substance abuse and promiscuity" by a small group of individuals "wholly lacking in acceptance of or adherence to government ethical standards," wrote Inspector General Earl E. Devaney.

The reports describe a fraternity house atmosphere inside the Denver Minerals Management Service office responsible for marketing the oil and gas that energy companies barter to the government instead of making cash royalty payments for drilling on federal lands. The government received \$4.3 billion in such Royalty-in-Kind payments last year. The oil is then resold to energy companies or put in the nation's emergency stockpile.

Between 2002 and 2006, nearly a third of the 55-person staff in the Denver office received gifts and gratuities from oil and gas companies, the investigators found.

Devaney said the former head of the Denver Royalty-in-Kind office, Gregory W. Smith, used illegal drugs and had sex with subordinates. The report said Smith also steered government contracts to a consulting business that was employing him part-time.

Smith, contacted by e-mail by The Associated Press, said he had not seen the report and could not respond. He and nine other employees in the Denver office are mentioned in the reports.

The findings are the latest sign of trouble at the Minerals Management Service, which has already been accused of mismanaging the collection of fees from oil companies and writing faulty contracts for drilling on government land and offshore. The charges also

come as lawmakers and both presidential candidates weigh giving oil companies more access to federal lands, which would bring in more money to the federal government.

Mr. NELSON of Florida. Madam President, all of this is happening while we are considering what to do about energy. I hope we will remember that what we ought to do, what we need to do, is drill where it makes sense. But if you want to lower gas prices, we need higher miles per gallon on our cars. We need to increase our tax incentives to our consumers so they can buy more efficient automobiles and tax incentives to the industry so they can retool, as well as we need to increase our oil refining capacity. That is the way we solve the problem of being dependent on oil in this energy crisis we are facing.

Madam President, I see my colleague from New Jersey, who has been a kindred spirit on this question of drilling offshore, off of our two respective States. I do not know if the Senator heard what I just talked about, about the inspector general's report, about what has been going on, the hanky-panky that has been going on over at the Minerals Management Service at the Department of the Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, while I did not come to the floor for purposes of talking about something both Senator NELSON and I are passionate about, which is making sure the Nation's energy challenge is met but making sure it is met in a responsible way, I must say I appreciate him coming to the floor with a revelation that just came out and is being reported. It calls into question the nature of the decisions, the information and the substance of looking at drilling policy, as has been suggested, when there are clearly influences here that are geared toward supporting big oil versus what is the ultimate interest of the American people in achieving energy security and independence. I will be speaking about that and joining Senator NELSON in the near future.

I am concerned at what the inspector general's report says. It should be alarming to every Member of the Senate. I appreciate the Senator from Florida bringing it to the attention of the Senate.

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

Mr. WARNER. If I might ask the Senator, about how long would the Senator wish to speak?

Mr. MENENDEZ. About 10 minutes.

Mr. WARNER. I thank the Senator.

Mr. MENENDEZ. Madam President, what I came to the floor to talk about is Osama bin Laden. None of us will ever forget—no one in this country will ever forget—the shock and the horror we felt, 7 years ago tomorrow, when we realized that a group of terrorist murderers had taken 3,000 American lives,

taken down two of our monumental skyscrapers, and taken a chunk of our military headquarters at the same time, as well as downed a plane in the fields of Pennsylvania.

I know this is true for every American. It is seared into our hearts as well as in our mind. I know it specifically by virtue of the hundreds of New Jerseyans who were lost on that fateful day.

Before long we learned the name of the organization that plotted and executed this plot. They are called al-Qaida. Although he had already been a deadly force before that fateful day, each and every American would soon learn the name of the evil mastermind behind this carnage, Osama bin Laden.

As a country, we were unified in our grief and unified in our resolve to find bin Laden dead or alive, as our President said. There was no reason to think we would not succeed. We live in the greatest country on the Earth, with the greatest military in the world and the greatest resolve of any people. We are the country that taught man to fly, that has helped save the world from marauding dictators, and put a human being on the Moon. If we set our mind to capturing or killing the people responsible for this mass murder, then we were going to get the job done.

Here is the thing. As we speak here today, 7 years have passed since those terrorist attacks, and where is Osama bin Laden? Where is the man who killed 3,000 of our fellow Americans? Where is our Nation's No. 1 enemy? He was allowed to get off the hook. He was allowed to rebuild his terrorist organization to pre-9/11 strength, as has been noted by testimony before the Senate Foreign Relations Committee, of which I am a member. It has been noted in various official reports. He was allowed to establish his own safe zone along the Afghanistan-Pakistan border.

I do not think any American would disagree that the words "Osama bin Laden" and "safe" should never be uttered in the same sentence. Why is he living in a safe zone? Why was he allowed to rebuild his terrorist organization? Why has he not suffered for the consequences of his mass murder?

I would say the answer to that question is because President Bush—who was so steadfast in his call to go after bin Laden and smoke him out of his hole, with the backing of a unified country in the days after September 11, when I was squarely with the President in that regard—decided not to commit the military force necessary to finish the job when bin Laden and al-Qaida were cornered in the mountains of Afghanistan. He decided to outsource the fighting to warlords in Afghanistan who took our money, put it in their pockets, and let bin Laden get away. He decided that the war against those who actually attacked us was not worth the absolute commitment of the most powerful, sophisticated, technologically advanced military in the world.

Instead, he committed the full force of the United States military to invade and police another country, Iraq, which had no part in the murder of 3,000 Americans.

As bad as that sounds, the reality is even worse than that. It was not just about the White House losing its focus. They misled the American people so they could start a new war. They assumed Afghanistan would stabilize itself and maybe bin Laden would turn up one day. So let's add up the running tally of these ill-fated decisions of President Bush: a forgotten war against the real terrorist threat in Afghanistan along the Afghan-Pakistan border, plus misleading the American people into a war of choice—not a war of necessity, where no one from al-Qaida or bin Laden was engaged; a stunning disaster of a war that had no connection to September 11—increased anger in the Middle East; squandered international goodwill; becoming entrenched as Iraq's military police force; a military stretched thin, less able to respond to the real challenges of this country where Afghanistan and Pakistan's border are.

I was there earlier in August with the distinguished majority leader. I heard what our generals said. They said they needed 10,000 troops minimally—now; not next year, now—to face the challenges they are having in the resurgence of the Taliban and the new tactics they have acquired from al-Qaida, an al-Qaida that is rushing over that border, plus \$600 billion in U.S. taxpayers' money, easily going well over \$1 trillion, to secure and rebuild another country that we were told—I sat at those hearings—we were told, when we asked how much is this engagement going to cost: Oh, we were told, not more than \$50 billion max.

Madam President, \$600 billion later, \$12 billion a month and rising—by the way, not only were we told it is not \$50 billion, we were told Iraq's oil would pay for all of it. What we have seen is \$600 billion of the taxpayers' money, later, rising clearly in excess of \$1 trillion and Iraq having a surplus in its budget. We are running deficits, Iraq has a surplus in its budget of anywhere between \$50 and \$70 billion, and yet we still continue to pay for their reconstruction. I was there this past January.

Of course, beyond all of this, beyond all of this, the most important, incalculable loss—over 4,100 American service men and women who have been lost in Iraq.

What does this all add up to? It adds up, in my view, to less security here at home, one terrorist mastermind responsible for the deaths of 3,000 dead Americans, plotting and planning yet again in his very own safe zone to pre-September 11 strength.

That is a huge challenge. I recently returned from a trip to Afghanistan with the distinguished majority leader and several of our colleagues. Our troops and their commanders are doing

a terrific job with what they have been given, as they always do.

But the message from everything I saw when I was there and heard from the people we always say let's listen to—the commanders in the field—well, I listened to General McKiernan, who is the commanding general not only of our troops but also the NATO forces there. I listened to General Schlosser, who is in the midst of that part of Afghanistan that is in the fight. They said clearly they needed extra troops.

I heard the President's decision: They will not get those troops, even though they need them until sometime next year. In the interim, the fight intensifies, the risks grow greater, and our challenges grow more difficult.

Afghanistan and Pakistan are the epicenter, the epicenter of the threat to our Nation. Things are not going to get better in that region or with our security here at home until we commit our focus to doing away with a resurgent Taliban and a resurgent al-Qaida once and for all.

Our focus must be on what are called the Federally Administered Tribal Areas, or FATA, those lawless areas along the Afghanistan-Pakistan border, our major challenges.

The Chairman of the Joint Chiefs of Staff said it himself in June, so let me quote him because this is the ultimate authority advising the President. He said:

I believe fundamentally if the United States is going to get hit, it's going to come out of the planning that leadership in the FATA is generating, their planning and direction.

It could not be said more powerfully by the Chairman of the Joint Chiefs of Staff and more clearly: That is where the threat is coming from. That is where we need to focus if we are to secure our Nation.

Our colleague, Senator MCCAIN, who is now the standard bearer for his party, has expressed his desire to keep our troops entrenched in Iraq even beyond what the Iraqis want and even beyond what President Bush has been calling for.

This does not help us with Afghanistan, this does not help us with Osama bin Laden, this does not help us target the threat of the Nation that is most vital. So I hope that after the solemn memorials and heartfelt remembrances we have tomorrow, on the seventh anniversary of September 11, after we continue to mourn and after we pray for those we have lost, when our thoughts turn again to preventing a repeat of September 11, making sure that "never again" means never again, I hope we can rededicate ourselves, as we did in the weeks following the attacks, to going after those responsible for this mass murder and ridding ourselves of that threat once and for all.

Let us not only follow bin Laden to the gates of hell, let us follow bin Laden to the cave in which he is in, in that region along the Afghan-Pakistan border.

It is never too late. It is never too late to bring the masterminds of September 11 to justice, to diminish the real challenge to our security, and to ultimately achieve what I truly believe is in the national security interest of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, with the concurrence of the distinguished chairman, I wonder if our colleague from Texas could be recognized. He is a very valued member of our committee. He wants to discuss, for 8 minutes, our bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if I might inquire, I talked to the distinguished chairman. I know the Rules Committee is reviewing the amendment. I am a little confused, and maybe he can help. I understand there could be an objection to my calling up the amendment. But I know the chairman is trying to work with me in trying to work this out.

But if I only have 8 minutes to speak, and I do not know yet whether there is going to be an objection to calling it up, I guess all I can do is go ahead and call it up and see what happens. But I do not wish to dishonor the commitment I made to him to try to work with him. But I am in a little bit of a box.

Mr. LEVIN. If the Senator would yield, the Rules Committee has jurisdiction over the amendment, over the subject matter of the amendment. That is why we are asking the Rules Committee to give us their reaction. Before I can give unanimous consent to make it a pending amendment, I want to hear from the Rules Committee, which is part of the regular process of the Senate, since it is within their jurisdiction.

So if the Senator will bear with me, I do not know what I will do if the Senator asks unanimous consent until the Rules Committee replies. If I do not hear from them by the moment the Senator asks unanimous consent, if the Senator decides to do so, I will have to make up my mind without the benefit of their advice.

Mr. CORNYN. Madam President, I hope that after hearing the subject matter of this amendment, the distinguished chairman of the Armed Services Committee will agree with me that the subject matter is of overwhelming importance.

This has to do with the fact that in 2006—2006—it is estimated that only 5.5 percent of qualified military voters deployed overseas, as well as civilians eligible to vote in the 2006 election, only 5.5 percent actually had their votes counted.

Of the troops that attempted to vote by asking for their ballots in 2006, less than half, only 47.6 percent of their completed ballots actually arrived back at the local election office and

were counted. That is according to the U.S. Election Assistance Commission.

I know all our colleagues would agree that if there is anyone who deserves to have their vote counted, and certainly this is a fundamental civil right for all American citizens, but if anyone is entitled to the best efforts that this body could possibly supply to make sure their vote is actually counted, that it would be our men and women in harm's way, fighting to protect our very freedoms.

To me, this is an outrage of such proportion that I cannot believe the Department of Defense, knowing these statistics, is simply complacent about preserving and protecting the right of our deployed military and civilians overseas to vote in elections.

To me, this is an appalling feature of our absentee voting system, and we need to take action right now. Of course, the appropriate vehicle as we are talking about protecting the right of military voters is on the Defense authorization bill. We know time is running out, only 54 days, I believe, until the next general election. We need to do everything in our power to make sure their right to vote is protected.

That is why I decided to introduce a bill last May called the Military Voting Protection Act of 2008. Currently, I believe I have, to the stand-alone bill, 30 cosponsors.

I believe the Department of Defense, if it is unwilling to take the necessary steps to protect the rights to vote for our deployed troops, then it is up to us to direct them to do so, to mandate that requirement in law and to make it a priority, not something they get around to perhaps after they have done everything else.

Certainly, the Department of Defense can better use modern technology to protect the ability of our troops to participate in elections. We know it is also important to recognize the right of privacy and the integrity of the voting system by calling upon the Department of Defense to focus its efforts on secure, efficient systems that would achieve these important goals.

I have more extended remarks, but I do not feel they are necessary at this time. I have seen a letter from the Department of Defense about some of their responses to the bill I have introduced. I would say in each case it is classified more as bureaucratic gobble-dygook and not a serious effort to try to solve this problem.

I am actually very disappointed that the Department of Defense would take the position that preserving the votes of our deployed military is so unimportant that they would not welcome the participation of the Senate in finding ways to make sure every fighting man and woman's vote is counted.

I ask unanimous consent to call up amendment 5329 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am constrained and will object at this time because of the reasons

I gave before. So I do object. I hope this objection can be dealt with overnight. I hope I can hear from the Rules Committee and understand what their position is. But at least at this time I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I am sorry to hear the chairman has objected. Of course, there is no requirement that the committee pass on these matters. I understand his interest in getting their input, but I cannot imagine what sort of input the Rules Committee might give now or later that we could not work on this either as this bill proceeds to completion, I hope to completion this week or next or during the conference committee process.

But to object to my ability to actually get it pending before the Senate is regrettable. At this point, I have no other recourse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the distinguished chairman and I are aware the Senate would now turn to the highway bill. I believe the distinguished chairman of the Environment and Public Works Committee will be arriving, and the distinguished ranking member is present on the floor at this time. Perhaps they could advise us with regard to the amount of time that would be required to have to act on this.

Mr. INHOFE. Madam President, first of all, let me thank the distinguished ranking member for the fine work he is doing on the Defense authorization bill. We have to get this done at a later time because there will not be time.

Right now I would like to address some of the comments that were made in the last few minutes about what some people misinterpret as not a successful operation in Iraq. I think it is amazing that you can be successful, all of our troops over there bathe in the success we have had in Iraq and still refer to it as an invasion instead of a liberation. Later on I will address those remarks.

Right now it is my understanding—I would ask if it is accurate—that the chairman and myself, the ranking member of the Environment and Public Works Committee, will be involved in about either 1 hour or 90 minutes equally divided, I would ask the Chair. This is on the highway trust fund fix.

RESTORING HIGHWAY TRUST FUND BALANCE

Mrs. BOXER. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 6532, and that the Senate then proceed to its consideration; that the only amendment in order be the Baucus amendment which is at the desk; that the amendment be considered as agreed to and the motion to reconsider be laid upon the table; and that there then be 90 minutes of

debate with respect to the bill, as amended, with the time equally divided and controlled between the leaders or their designees; and that upon the use or yielding back, the Senate proceed to vote on passage of the bill, as amended, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Madam President, it is my understanding that under the current unanimous consent agreement, we will begin voting on two amendments on the Defense authorization bill at 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Would the unanimous consent request of the Senator from California modify the existing unanimous consent?

The PRESIDING OFFICER. The vote that is scheduled to occur at 6 p.m. will occur unless an agreement specifies differently.

Mr. LEVIN. It is my understanding that this agreement does not specify differently, and on that basis I do not object.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is an important moment for us, not just for us as legislators acting responsibly but for our States and for the working people of this country. We were perilously close to having a shortfall in the highway trust fund which would have resulted in slowing down contracts on repairing bridges, building highways, et cetera. Six times the Senate has brought up legislation to restore money to the highway trust fund and protect those jobs, but until now my Republican friends on the other side of the aisle have put up roadblocks and filibustered us.

Today, at a hearing we held on the status of our bridges, the condition of our bridges, the Bush administration itself urged us to act. I was very grateful to Senator INHOFE for his work. Because we have been facing objections from Senators DEMINT, GREGG, and others, we were unable to move forward. We are very grateful we have reached this moment so we may vote on this important legislation and solve the immediate crisis.

We all know what has been happening with the trust fund. First, \$8 billion was borrowed from the trust fund in 1998. We need to restore those funds. That is what we are doing today. Beyond that, we have to figure out a way to finance highways and transit systems and repair bridges and the rest with a more secure source of funding.

Senator INHOFE and I are working together on that, along with Senators ISAKSON, BAUCUS, and the rest of the members of the Environment and Public Works Committee. We know our colleagues in the House are doing it as well. We are going to have to look at how we keep pace with the many billions of dollars needed for repair. We have to make sure we pay attention to our Nation's infrastructure if we care about a thriving economy, moving goods, moving people, all the rest. If we ignore this, it is to our detriment. We saw a bridge collapse in Minnesota. We were reminded of that today at the hearing. All of us were appalled to see what that looks like. I know bridges in California, in Oklahoma, bridges all over the country are in need of repair. We can't play politics. That is why we have been on the Senate floor. We have sent letters, asked our friends to back off. If they want to make a statement about how to fund transit and highways, that is very appropriate as we write the new highway bill.

What is happening out there is, obviously, because of the horrible price of gas, which, thank goodness, has come down a little bit, people are turning away from driving or they are doubling up. They are switching to hybrid cars. Hopefully, soon we will see more opportunities for electric cars. As a result, however, the trust fund, which gets its funding from the gas tax, has been going down. That, coupled with the borrowing that we did in 1998 from the trust fund, has led us to this day.

I don't have much more of a statement except I want to thank certain people who weighed in to push us and my friends on the other side. I hope they were pushed by this to back off and say: Let's have a clean bill. Let's fix the problem. Then we will debate how we get a highway trust fund that is necessary for the needs of the country.

AAA was very helpful, as was the American Association of State Highway and Transportation Officials; the American Society of Civil Engineers; the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Trucking Association; the Associated General Contractors of America; the National Association of Counties; the National Association of Manufacturers; the National Governors Association; the National Conference of State Legislatures; Midwestern Governors' Association; the Coalition of Northeastern Governors; the Transportation Trades Department, AFL-CIO; the U.S. Chamber of Commerce.

Again, what we are doing is simply restoring the revenue that was shifted out of the trust fund 10 years ago when the balances were high. What we are doing is saying to many working people that we are not going to let them run the risk of being laid off, fired, having to come home and tell their family they can't work. We know that is a fact because each billion dollars of