

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Rhode Island is recognized.

AMENDMENT NO. 5369

Mr. WHITEHOUSE. Mr. President, I have an amendment I have filed to the Defense authorization bill, amendment No. 5369. I would like to take a few minutes to discuss it here today. I hope very much that this amendment can be called up. Indeed, I hope the entire intelligence authorization bill could be called up as a part of the compromise on the Defense authorization.

Chairman ROCKEFELLER on the Intelligence Committee has done exemplary work to make sure we have a good, intense authorization bill. I hope very much that my colleagues on the other side of the aisle will allow that to be called forward and voted on.

This particular amendment I want to talk about now, although it is small, is very important, and in my view it should be noncontroversial. This amendment is cosponsored by Senators FEINSTEIN, ROCKEFELLER, HAGEL, KENNEDY, FEINGOLD, WYDEN, CARDIN, and DODD. I thank all of those Senators for their cosponsorship.

The amendment is simple. It holds the United States only to standards we already require of our own military, only to standards we ourselves demand of other nations. Put simply, the amendment would require America's intelligence agencies to notify the International Committee of the Red Cross that an individual has been detained and to provide the ICRC with access to that individual in a manner consistent with the practices of the U.S. military. These terms of access are very reasonable, and confidentiality by the ICRC is maintained.

I said this was an important amendment. Why is this important? Well, President Clinton said it well recently:

America's true strength comes from the power of our example, not the example of our power.

If you really believe in our country and her virtue and in her promise, you understand this, and you understand what grievous and lasting harm America has suffered from this administration's embrace of torture and from this administration's embrace of torture's handmaiden: secret detention.

If you go down the corridors of history and you survey the evil practices of tyrant regimes, you find one of their most notorious methods of coercion and subjugation is holding prisoners incommunicado. From the oubliettes of Bourbon, France, to Calcutta's Black Hole; from the Gestapo's secret prisons to the Soviet gulags; from medieval dungeons to the bamboo cages of the Killing Fields, secret and anonymous imprisonment has always been the hallmark of the despot. Now the Bush administration has stamped America with this shameful mark.

America long opposed disappearances and secret detentions around the world as incompatible with our principles of liberty and justice. Just this past March, in its 2007 Annual Human Rights Report, the U.S. Department of State criticized the Governments of North Korea, Burma, and Sri Lanka for engaging in "disappearances." Yet, on December 8, 2005, the Bush administration acknowledged that the ICRC did not have access to detainees—to all detainees—held outside of Guantanamo. President Bush confirmed as much nearly 9 months later when he stated publicly that it had been "necessary" to move certain detainees to an "environment where they can be held secretly."

This amendment should be unremarkable given the historic role of the ICRC. The ICRC has been visiting detainees in connection with armed conflict since 1915. Last year, the ICRC visited 518,000 detainees in 77 countries. This organization visits prisoners, in its words, "to ensure respect for their life, dignity and fundamental right to judicial guarantees." All these notions are part of the bedrock, as we know, of our own Constitution. A seminal text on this subject, "The Treatment of Prisoners Under International Law," describes the prohibition of incommunicado detention as among the most central of all international prisoner safeguards.

The ICRC holds this unique role in part because of the way it conducts its business.

After a visit, the ICRC reports its findings confidentially to the detaining government. The ICRC has said this confidentiality is fundamental to its success, noting that it "makes it easier for the ICRC and the detaining authorities to achieve concrete progress in detention places." Because of the ICRC's approach, this amendment carefully safeguards our national security. There is even flexibility for what are called "imperative considerations of military necessity." Notably, the ICRC has played an important role for U.S. troops detained by other governments. The American Red Cross reports that the ICRC visited 55 U.S. prisoners of war in Iraq during the first Gulf war and three U.S. servicemembers in a Serbian prison during the Kosovo conflict.

In World War II, in the places where the ICRC could operate, it provided badly need assistance to U.S. soldiers. For example, in Shanghai, one of the few areas the Japanese permitted ICRC access to detainees, the ICRC delegate sent the U.S. prisoners of war food and clothing. PFC Floyd H. Comfort, a part of the Wake Island Marine garrison said:

If it had not been for the International Red Cross, I guess we all would have starved to death.

Respected members of our military family recognize that this amendment would strengthen our ability to advocate for appropriate treatment of

Americans detained overseas. I would like to place in the RECORD a letter from 38 retired military leaders, distinguished generals and admirals who have concluded this amendment is a "critical measure to ensure continuing respect for the norm that [ICRC] access must be provided to all captives in wartime."

I ask unanimous consent that the letter be printed in the RECORD.

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

SEPTEMBER 15, 2008.

Hon. SHELDON WHITEHOUSE,

*U.S. Senate,
Washington, DC.*

Hon. CHUCK HAGEL,

*U.S. Senate,
Washington, DC.*

Hon. DIANE FEINSTEIN,

*U.S. Senate,
Washington, DC.*

Hon. JOHN D. ROCKEFELLER IV,

*U.S. Senate,
Washington, DC.*

DEAR SENATORS: As retired military leaders of the U.S. Armed Forces, we write to express our strong support for Amendment Number 5369 to the pending defense authorization bill, originally introduced as section 323 of the Intelligence Authorization Act for Fiscal Year 2009. We believe this provision, which would require the intelligence community to provide the International Committee of the Red Cross ("Red Cross") with notification of and access to prisoners in U.S. custody in a manner consistent with the practices of the Armed Forces, is a critical measure to ensure continuing respect for the norm that such access must be provided to all captives in wartime.

The U.S. military has a strong interest in all countries upholding this norm. When our soldiers, sailors, airmen and Marines go into battle, we owe them the assurance that, should they be captured by the enemy, the United States will be able to aggressively assert their rights to humane treatment, to be held in recognized places of detention, and to be registered with and visited by the Red Cross, which can raise concerns about their treatment. This is important no matter whether military or intelligence agents are holding our people captive. When we violate this norm ourselves, by holding prisoners in secret—"off the books"—denying that they are in our custody and refusing to permit the Red Cross access to them to monitor their treatment, we dangerously undermine our ability to demand that our enemies adhere to it, now and in future wars.

This is not just a theoretical concern. In 1993, when U.S. Warrant Officer Michael Durant was captured by forces under the control of Somali warlord Mohamed Farah Aideed, the United States demanded assurances that Durant's treatment be consistent with the Geneva Conventions and that the Red Cross be given access to Durant, who was seriously wounded, to monitor that treatment. The United States asserted that it would afford Somali forces the same protections. Within five days, the Red Cross was permitted to visit Durant, and he was subsequently released.

We know from painful experience that Red Cross access to captured prisoners can be an important prophylactic against abuse and can help to ensure that we are in compliance with the laws of war in the treatment of those in our custody. Confidential Red Cross reports and recommendations alert military commanders to serious abuses that, left unaddressed, can undermine prison discipline

and—if exposed—undermine the war effort. It was the Red Cross which, according to a report by Major General George Fay, notified military authorities in Iraq about the abuses at Abu Ghraib, leading to some of the military's first disciplinary actions against those involved.

The Red Cross has been visiting prisoners in armed conflict situations since the height of First World War. Under U.S. military policy, the Red Cross is presumptively authorized to have access to prisoners. Moreover, Department of Defense Directive 2310.01E, issued in September 2006, mandates that the Red Cross "be allowed to offer its services during an armed conflict, however characterized, to which the United States is a party."

Over time, the Armed Forces have built a mutually beneficial relationship with the Red Cross and have developed well established practices for Red Cross notification and access to prisoners. These practices are tailored to accommodate the demands of battlefield intelligence gathering and detention, and do not interfere with prisoner interrogations.

Red Cross notification and access to prisoners is an essential buttress to the integrity of humane treatment obligations under the Geneva Conventions. We strongly support Amendment Number 5369 to the pending defense authorization bill and urge its adoption into law as an important step in restoring the moral authority of the United States and demonstrating the commitment of our Nation to treat all prisoners humanely.

Sincerely,

General Joseph Hoar, USMC (Ret.); General John P. Jumper, USAF (Ret.); General Charles Krulak, USMC (Ret.); General Merrill A. McPeak, USAF (Ret.); General Volney F. Warner, USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Vice Admiral Albert H. Konetzni Jr., USN (Ret.).

Lieutenant General Charles Otstott, USA (Ret.); Vice Admiral Jack Shanahan, USN (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Lieutenant General James M. Thompson, USA (Ret.); Major General John Batiste, USA (Ret.); Rear Admiral James Arden Barnett, Jr. USNR (Ret.); Major General Paul Eaton, USA (Ret.); Major General Eugene Fox, USA (Ret.).

Major General Larry Gottardi, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General Melvyn Montano, ANG (Ret.); Major General Eric Olson, USA (Ret.); Rear Admiral David M. Stone, USN (Ret.); Major General Antonio 'Tony' M. Taguba, USA (Ret.); Brigadier General Hugh Aitken, USMC (Ret.).

Brigadier General Dorian Anderson, USA (Ret.); Brigadier General David M. Brahms, USMC; Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Lief H. Hendrickson, USMC; Brigadier General Oscar Hilman, USA (Ret.).

Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General David L. McGinnis, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Earl Simms, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

BIOGRAPHICAL INFORMATION

GENERAL JOSEPH HOAR, USMC (RET.)

General Hoar served as Commander-in-Chief, U.S. Central Command. After the first Gulf War, General Hoar led the effort to enforce the naval embargo in the Red Sea and the Persian Gulf, and to enforce the no-fly zone in the south of Iraq. He oversaw the humanitarian and peacekeeping operations in Kenya and Somalia and also supported operations in Rwanda, and the evacuation of U.S. civilians from Yemen during the 1994 civil war. He was the Deputy for Operations for the Marine Corps during the Gulf War and served as General Norman Schwarzkopf's Chief of Staff at Central Command. General Hoar currently runs a consulting business in California.

GENERAL JOHN P. JUMPER, USAF (RET.)

General John P. Jumper has been a director of Conde Nast Portfolio since his retirement from the Air Force in 2006. Prior to retirement, General Jumper was Chief of Staff of the United States Air Force, where he functioned as a military advisor to the Secretary of Defense, National Security Council and the President. Between February 2000 and September 2001, General Jumper was the Commander of Headquarters Air Combat Control. He has also served at the Pentagon as Deputy Chief of Staff for Air and Space Operations, as the Senior Military Assistant to two secretaries of defense, and as Special Assistant to the Chief of Staff for Roles and Missions.

GENERAL CHARLES KRULAK, USMC (RET.)

General Krulak served as the 31st Commandant of the Marine Corps from July 1995 to June 1999. He is a graduate of the U.S. Naval Academy; the Amphibious Warfare School; the Army Command and General Staff College; and the National War College. He also holds a master's degree in labor relations from George Washington University. General Krulak has held a variety of command and staff positions including commanding officer of a platoon and two rifle companies during two tours of duty in Vietnam. He was also assigned duty as the Deputy Director of the White House Military Office in September 1987, and he commanded the 6th Marine Expeditionary Brigade and 2d FSSG during the Gulf War.

GENERAL MERRILL A. MCPEAK, USAF (RET.)

General McPeak served as the Chief of Staff of the U.S. Air Force. Previously, General McPeak served as Commander in Chief of the U.S. Pacific Air Forces. He is a command pilot, having flown more than 6,000 hours, principally in fighter aircraft.

GENERAL VOLNEY F. WARNER, USA (RET.)

General Volney F. Warner served as a Province Senior Advisor in South Vietnam and as the Military Assistant to the Special Assistant to the President for Vietnam Affairs and as Executive Officer and Senior Aide to the Army Chief of Staff. In 1979, he assumed his duties as Commander in Chief, U.S. Readiness Command. After retirement, General Warner was Vice President of Applied Technology, Vertex Systems, Incorporated, and later established V.F. Warner and Associates, a Washington-based consulting firm.

VICE ADMIRAL LEE F. GUNN, USN (RET.)

Vice Admiral Gunn served as the Inspector General of the Department of the Navy from 1997 until retirement in August 2000. Admiral Gunn's sea duty included: command of the frigate USS Barbey; command of Destroyer Squadron 31, the Navy's tactical and technical development anti-submarine warfare squadron; and command of Amphibious Group Three, supporting the First Marine Expeditionary Force in Southwest Asia and

East Africa. Gunn is from Bakersfield, California and is a graduate of UCLA, having received his commission from the Naval ROTC program at UCLA in June 1965.

LIEUTENANT GENERAL CLAUDIA J. KENNEDY, USA (RET.)

General Kennedy is the first and only woman to achieve the rank of three-star general in the United States Army. Kennedy served as Deputy Chief of Staff for Army Intelligence, Commander of the U.S. Army Recruiting Command, and as Commander of the 703d military intelligence brigade in Kunia, Hawaii.

VICE ADMIRAL ALBERT H. KONETZNI JR., USN (RET.)

Vice Admiral Konetzni served as the Deputy and Chief of Staff, of the U.S. Atlantic Fleet and Deputy Commander, U.S. Fleet Forces Command, where he was responsible for 160 ships, nearly 1,200 aircraft and 50 bases manned by more than 133,000 personnel. He has also served as Commander, Submarine Force, U.S. Pacific Fleet; Commander, Submarine Group Seven (Yokosuka, Japan); and Assistant Chief of Naval Personnel for Personnel Policy and Career Progression. Admiral Konetzni has received two Distinguished Service Medals, six awards of the Legion of Merit, and three awards of the Meritorious Service Medal for his naval service. His Homeland Security efforts have earned him the U.S. Coast Guard Distinguished Service Medal.

LIEUTENANT GENERAL CHARLES OTSTOTT, USA (RET.)

General Otstott served 32 years in the Army. As an Infantryman, he commanded at every echelon including command of the 25th Infantry Division (Light) from 1988-1990. His service included two combat tours in Vietnam. He completed his service in uniform as Deputy Chairman, NATO Military Committee, 1990-1992.

VICE ADMIRAL JACK SHANAHAN, USN (RET.)

Admiral Shanahan served in the Navy for 35 years before his retirement in 1977. A former commander of the North Atlantic fleet, Admiral Shanahan served in combat in WWII, Korea and Vietnam.

LIEUTENANT GENERAL HARRY E. SOYSTER, USA (RET.)

Lieutenant General Soyster served as Director, Defense Intelligence Agency during DESERT SHIELD/STORM. He also served as Deputy Assistant Chief of Staff for Intelligence, Department of the Army, Commanding General, U.S. Army Intelligence and Security Command and in the Joint Reconnaissance Center, Joint Chiefs of Staff. In Vietnam he was an operations officer in a field artillery battalion. Upon retirement he was VP for International Operations with Military Professional Resources Incorporated and returned to government as Special Assistant to the SEC ARMY for WWII 60th Anniversary Commemorations completed in 2006.

LIEUTENANT GENERAL JAMES M. THOMPSON, USA (RET.)

General Thompson graduated from West Point in 1950. He attended Oxford University as a Rhodes Scholar in 1951. After serving in various command and staff assignments through brigade level, he was assigned to the Army Staff in Plans and Policy, then to Director for Estimates, DIA and subsequently to the Pentagon as Deputy Director for Plans, Policy and NSC Affairs in the Secretary of Defense's Office. His next two major assignments were to Turkey as a Major General, Chief of the Military Mission and then as a Lieutenant General to Naples, Italy as Chief of Staff to Admiral William J. Crowe in NATO's Southern Region.

REAR ADMIRAL JAMES ARDEN BARNETT, JR.
USNR (RET.)

Rear Admiral Jamie Barnett's last active duty assignment was Deputy Commander of the Navy Expeditionary Combat Command (NECC). NECC trains, equips and sends forward Seabees, Riverine Forces and Explosive Ordinance specialists, among others, and currently has over 9,000 Sailors in Iraq and Afghanistan. NECC also provides the expeditionary guard battalion in Guantanamo. Rear Admiral Barnett has previously served as the Director of Naval Education and Training in the Pentagon. He served in the port of Ad Dammam, Saudi Arabia during Operation Desert Storm. He retired in June 2008 after 32 years in the Navy and Navy Reserve.

MAJOR GENERAL JOHN BATISTE, USA (RET.)

General Batiste commanded the First Infantry Division in Kosovo and Iraq. Prior to that, he was the Senior Military Assistant to Deputy Secretary of Defense Paul Wolfowitz. He is currently President of Klein Steel Services in Rochester, NY.

MAJOR GENERAL PAUL EATON, USA (RET.)

General Eaton recently retired from the U.S. Army after more than 33 years service. His assignments include Infantry command from the company to brigade levels, command of the Infantry Center at Fort Benning and Chief of Infantry. His most recent operational assignment was Commanding General of the command charged with reestablishing Iraqi Security Forces 2003-2004, where he built the command and established the structure and infrastructure for the Iraqi Armed Forces. Other operational assignments include Somalia, Bosnia and Albania. Other assignments include the Joint Staff, Deputy Commanding General for Transformation and Stryker Unit. Development and Assistant Professor and head of the French Department at West Point. He is a 1972 graduate of West Point.

MAJOR GENERAL EUGENE FOX, USA (RET.)

Major General Fox retired from the U.S. Army in 1989 after 33 years of service. He commanded Field Artillery and Air Defense Units from platoon to brigade level, instructed in a service school, and served in various capacities in the acquisition of DoD weapons systems to include several years as program manager. His last active duty position was the Deputy Director of the Strategic Defense Initiative Office. Subsequent to military retirement General Fox has served as a Defense Consultant for various companies and government agencies.

MAJOR GENERAL LARRY GOTTARDI, USA (RET.)

General Gottardi retired in 2006 after 35 years of service in various posts, including Commanding General, XVIII Airborne Corps Artillery at Fort Bragg, North Carolina, and Chief of Public Affairs, Office of the Secretary of the Army, Deputy Chief of Staff, G-1, US Army Forces Command. He has been decorated with the Distinguished Service Medal (with Oak Leaf Cluster), the Defense Superior Service Medal (with Oak Leaf Cluster), and Legion of Merit (with 3 Oak Leaf Clusters).

REAR ADMIRAL DON GUTER, USN (RET.)

Admiral Guter served in the U.S. Navy for 32 years, concluding his career as the Navy's Judge Advocate General from 2000 to 2002. Admiral Guter currently serves as the Dean of Duquesne University Law School in Pittsburgh, PA.

REAR ADMIRAL JOHN D. HUTSON, USN (RET.)

Rear Admiral John D. Hutson served in the U.S. Navy from 1973 to 2000. He was the Navy's Judge Advocate General from 1997 to 2000. Admiral Hutson now serves as President

and Dean of the Franklin Pierce Law Center in Concord, New Hampshire. He also joined Human Rights First's Board of Directors in 2005.

MAJOR GENERAL MELVYN MONTANO, ANG (RET.)

Major General Montano retired as Adjutant General of New Mexico on 1 December 1999, completing a military career of 45 years and 9 months. General Montano began his military career in 1954 enlisting in the New Mexico Air National Guard. After serving 16 years as an enlisted person, he received a direct commission as a First Lieutenant in April 1970. He is a Vietnam veteran, having served at Tuy Hoa Air Base, Republic of Vietnam in June, 1968. He was appointed the Adjutant General in December 1994. General Montano is the first Hispanic Air National Guard Officer appointed as Adjutant General in the United States. General Montano lives in Albuquerque, New Mexico.

MAJOR GENERAL ERIC OLSON, USA (RET.)

General Olson achieved the rank of Major General before retiring from the United States Army in January 2006. He began his distinguished military career after graduating from the United States Military Academy in 1972. His first duty position was as platoon leader in the 4th Infantry Division (Mechanized) at Fort Carson, Colorado. Subsequently, General Olson has commanded at every level from platoon to division, spending his last three years of service as the Commanding General of the 25th Infantry Division (Light). General Olson also served as the Commander of Combined, Joint Task Force 76, responsible for all security and reconstruction operations in Afghanistan. In his 33-year military career, General Olson has held several staff positions in joint, combined, and the Department of the Army staffs. He was also the 68th Commandant of Cadets at the United States Military Academy, West Point from 2000 to 2002. General Olson currently serves as the Chief of Staff and Special Advisor to the Special Inspector General for Iraq Reconstruction.

REAR ADMIRAL DAVID M. STONE, USN (RET.)

Rear Admiral David M. Stone, USN (Ret.) is a native of Algonquin, Illinois and graduated from the US Naval Academy in 1974. He held four significant "at sea" commands during his 32 years of service, including command of the warship USS John Hancock, Command of the US Naval Middle East Force in the Arabian Gulf, Command of Natos Standing Naval Force Mediterranean during the Kosovo Campaign, and Command of the Nimitz Battlegroup. He also served ashore in key positions in the Pentagon and in Europe. Following his Navy service, he was called upon, after the attacks of 9/11, to serve as an Assistant Secretary in the newly formed Department of Homeland Security where he was responsible for the security of the United States Transportation System as the Director of TSA (The Transportation Security Administration). He was appointed by President Bush and unanimously confirmed by the US Senate for that critical leadership post. He holds three Masters degrees in the areas of National Security, International Affairs, and Management. Rear Admiral Stone is currently President of the Alacrity Homeland Group and Co-Founder of Blue Ocean Capital Partners. He resides with his wife (Faith) in Arlington, Virginia.

MAJOR GENERAL ANTONIO "TONY" M. TAGUBA, USA (RET.)

Major General Antonio "Tony" M. Taguba, USA (Ret.) served 34 years on active duty until his retirement on 1 January 2007. He has served in numerous leadership and staff positions most recently as Deputy Commanding General, Combined Forces Land Component Command during Operations

Iraqi Freedom in Kuwait and Iraq, as Deputy Assistant Secretary of Defense for Reserve Affairs, and as Deputy Commanding General for Transformation, US Army Reserve Command. Born in Manila, Philippines in 1950, he graduated from Idaho State University in 1972 with a BA degree in History. He holds MA degrees from Webster University in Public Administration, Salve Regina University in International Relations, and US Naval War College in National Security and Strategic Studies.

BRIGADIER GENERAL HUGH AITKEN, USMC (RET.)

General Aitken enlisted in the Marine Corps in 1946 and was commissioned a Second Lieutenant in 1948. Throughout his career, he had extensive experience serving in and commanding infantry units to include being the Assistant Division Commander, 2d Marine Division. He also served several tours at Headquarters Marine Corps in Strategic Plans and Manpower Divisions. He was Director, Manpower Plans and Policy Division at the time of retirement in August 1980.

BRIGADIER GENERAL DORIAN ANDERSON, USA (RET.)

General Anderson served 30 years as a Commissioned Officer and later as a Flag Officer US Army, holding leadership and command positions at all levels as an Infantry Officer culminating as Commanding General, US Army Human Resources Command, Alexandria, VA. General Anderson is a 1975 graduate of the United States Military Academy at West Point, NY, holds an MA in Management from Webster University and is a 1995 graduate of the US Army War College at Carlisle Barracks, PA. He is a 2006 graduate of The Executive Program at University of Virginia's Darden Business School.

BRIGADIER GENERAL DAVID M. BRAHMS, USMC

General Brahms served in the Marine Corps from 1963-1988. He served as the Marine Corps' senior legal adviser from 1983 until his retirement in 1988. General Brahms currently practices law in Carlsbad, California and sits on the board of directors of the Judge Advocates Association.

BRIGADIER GENERAL STEPHEN A. CHENEY, USMC (RET.)

Brigadier General Steve Cheney served nine years on the Marine Corps' two Recruit Depots, including a tour as the commanding general at Parris Island. He was also the inspector general for the Marine Corps. Brigadier General Cheney retired in 2001; he is now the president of the Marine Military Academy in Harlingen, Texas, and is on the board of directors for the American Security Project.

BRIGADIER GENERAL JAMES P. CULLEN, USA (RET.)

Mr. Cullen is a retired Brigadier General in the United States Army Reserve Judge Advocate General's Corps and last served as the Chief Judge (IMA) of the U.S. Army Court of Criminal Appeals. He currently practices law in New York City.

BRIGADIER GENERAL EVELYN P. FOOTE, USA (RET.)

General Foote was Commanding General of Fort Belvoir in 1989. She was recalled to active duty in 1996 to serve as Vice Chair of the Secretary of the Army's Senior Review Panel on Sexual Harassment. She is President of the Alliance for National Defense, a non-profit organization.

BRIGADIER GENERAL LIEF H. HENDRICKSON, USMC

As a General Officer, General Hendrickson served as the Commanding General, Marine Corps Base, Quantico, as President of the Marine Corps University and as Commanding General, Education Command. General

Hendrickson amassed over 5,000 flight hours. His personal decorations include the Distinguished Service Medal, Defense Superior Service Medal, Defense Meritorious Service Medal, Meritorious Service Medal with two gold stars, Air Medal and the Joint Staff Badge.

BRIGADIER GENERAL OSCAR HILMAN, USA (RET.)

Among his many assignments, General Hilman served as the Commander of the 81st Brigade Combat Team in support of Operation Iraqi Freedom II, and as the Deputy Commanding General of I Corps and Fort Lewis. General Hilman was born in Camarines Sur, in the Republic of Philippines in February 1950. He is a graduate of Philippine College of Criminology, Central Washington University, and he received his Masters of Science Degree in Strategic Science from the United States Army War College. General Hilman's awards and decorations include: Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with Oak Leaf Cluster, the Meritorious Service Medal with 4 Oak Leaf Clusters, Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal, Good Conduct Medal, Army Reserve Components Achievement Medal with Silver Oak Leaf Cluster and 2 Bronze Oak Leaf Clusters, National Defense Service Medal with 2 Bronze Stars, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal with 2 Bronze Stars, Armed Forces Reserve Medal with Gold Hourglass and M Device, the Army Service Ribbon, and the Combat Action Badge.

BRIGADIER GENERAL DAVID R. IRVINE, USA (RET.)

Brigadier General Irvine enlisted in the 96th Infantry Division, United States Army Reserve, in 1962. He received a direct commission in 1967 as a strategic intelligence officer. He maintained a faculty assignment for 18 years with the Sixth U.S. Army Intelligence School, and taught prisoner of war interrogation and military law for several hundred soldiers, Marines, and airmen. He retired in 2002, and his last assignment was Deputy Commander for the 96th Regional Readiness Command. General Irvine is an attorney, and practices law in Salt Lake City, Utah. He served 4 terms as a Republican legislator in the Utah House of Representatives, has served as a congressional chief of staff, and served as a commissioner on the Utah Public Utilities Commission.

BRIGADIER GENERAL JOHN H. JOHNS, USA (RET.)

Brigadier General John H. Johns, USA (Ret), Ph.D., served in Vietnam and was a key member of a group that developed the Army's counterinsurgency doctrine in the early 1960s at Ft. Bragg and later in the Pentagon. After retirement from active duty, he served as a Deputy Assistant Secretary of Defense and then as a professor at the National Defense University for 14 years, where he specialized in National Security Strategy.

BRIGADIER GENERAL DAVID L. MCGINNIS, USA (RET.)

Brigadier General David L. McGinnis is a veteran of two ground combat assignments in Vietnam with a Special Operations and Force Management background. Dave experienced 29 years of service in the Army uniform. His military career ended in 1995 as a Brigadier General, New York National Guard. After retirement he worked as a Principle Director for Strategic Plans and Analysis, in the Office of the Secretary of Defense and as the Senior Fellow of the National Guard Association of the United States. Since 2000, McGinnis has provided a steady stream of independent analysis on important issues, provided commentary in the national

news media, served as a Senior Associate with the Center for Strategic and International Studies and is an Adjunct Fellow with the Bipartisan American Security Project. Dave is a member of the Legion de Lafayette of the National Guard Education Foundation and is currently serving on the By Laws Committee of the National Guard Association of the United States.

BRIGADIER GENERAL MURRAY G. SAGSVEEN, USA (RET.)

Brigadier General Sagsveen entered the U.S. Army in 1968, with initial service in the Republic of Korea. He later joined the North Dakota Army National Guard. His assignments included Staff Judge Advocate for the 164th Engineer Group, Staff Judge Advocate for the State Area Command, Special Assistant to the National Guard Bureau Judge Advocate, and Army National Guard Special Assistant to the Judge Advocate General of the Army. He completed the U.S. Army War College in 1988. At the time of his retirement in 1996, he was a brigadier general and the senior judge advocate in the Army National Guard. General Sagsveen currently serves as the general counsel of the American Academy of Neurology in St. Paul, Minnesota. In February 2004, he participated in a medical conference in Baghdad, Iraq, and he has been participating in an effort among U.S. specialty medical societies to assist physicians in that country.

BRIGADIER GENERAL EARL SIMMS, USA (RET.)

General Simms currently serves as the Vice President of Army Programs for Serco Inc. of Vienna, Virginia. He served 32 years on active duty in numerous leadership and staff positions until his retirement in September 2000. Most recently he served as the Commanding General, Soldiers Support Institute at Fort Jackson, South Carolina and as the 59th Adjutant General of the Army. He graduated from West Virginia State College in 1968 with a BS degree in Education. He holds a MA degree in Public Administration from Shippensburg University.

BRIGADIER GENERAL ANTHONY VERRENGIA, USAF (RET.)

Brigadier General Verrengia retired from the USAF in 1989, after 38 years of uniformed service. He is a veteran of the Cold War, Korean War, and Vietnam War. He is a Master Navigator, who flew in all types of Military Air Transport Operations for over twenty years. During his career he also held Command and Staff positions in Operations, Plans, Logistics, Training and Personnel, and served at all levels of Air Force Command from the Squadron to Numbered AF, to Major Air Command, to the Air Staff in Washington, DC. He is a Graduate of the Air Command and Staff College, The Air War College, the Industrial College of the Armed Forces, and the National War College.

BRIGADIER GENERAL STEPHEN N. XENAKIS, USA (RET.)

Dr. Stephen N. Xenakis has served in the U.S. Army, as well as in healthcare management, academic medicine, and clinical practice. He retired from the Army in 1998 at the rank of Brigadier General and held many high level positions, including Commanding General of the Southeast Regional Army Medical Command. He currently serves as the Director of Child and Adolescent Psychiatry at the Psychiatric Institute of Washington.

Mr. WHITEHOUSE. This letter comes from battlefield warriors and intelligence officers who participated in every major American conflict from World War II until today. One of them, indeed, only 2½ years ago, was a member of our Joint Chiefs of Staff. These

flag officers go on to say that "when we violate this norm ourselves, by holding prisoners in secret—'off the books'—denying that they are in our custody and refusing to permit Red Cross access to them to monitor their treatment, we dangerously undermine our ability to demand that our enemies adhere to it, now and in future wars."

These military leaders also emphasize that the U.S. military's practices for ICRC notification and access to prisoners "are tailored to accommodate the demands of battlefield intelligence gathering and detention and do not interfere with prisoner interrogations."

The ill-advised course that leads one down to darkness was famously described by Winston Churchill. He said:

It is a fine broad stairway at the beginning, but after a bit, the carpet ends. A little further on there are only flagstones, and a little farther on still these break beneath your feet.

This is the dark corridor down which a misguided administration has led America. The sooner we turn back, the stronger and safer America will be. Remember also the Gospel according to Matthew, chapter 25, verses 36 to 40:

I was naked and you clothed me. I was sick and you visited me. I was in prison and you came to me.

This applies even to those who are, to quote from Matthew again, "the least of our brethren" because ultimately it is not about who they are, it is about who we are. And who are we? We are still that city on a hill. We are still a beacon to other nations. The light of our faith in human freedom still brightens the world. And as we trust in God, let's also trust in that faith and freedom, in that faith in America. Let's step back from the dark side, away from the grim tactics of tyrant regimes and into the light of our faith in America.

I hope we can bring up this amendment. I can't imagine why anybody in this room would object. Yet here we are.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. WYDEN. Mr. President, I also ask unanimous consent to speak for up to 15 minutes as in morning business.

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

COUNTY PAYMENTS REAUTHORIZATION

Mr. WYDEN. Mr. President, around the Halls of Congress this week are some wonderful folks walking around in green shirts trying to save our rural schools and many rural communities across our country. These are folks who come from areas such as mine where the Federal Government owns

much of the land. For decades and decades, in these communities, the secured money for funding schools in our State and for a variety of other services, such as police and essential needs for counties, has come through Federal timber payments. As the distinguished Presiding Officer knows, as a result of environmental law changes and other policies these communities have been strapped for funds now for quite some time.

In 2000, the distinguished Senator from Idaho Mr. CRAIG, and I, wrote legislation that brought essential funds to these communities so they could secure quality education for their students, for their families. But the law expired in 2006. So we sought, then, to extend this program on a multiyear basis. We had a vote in the Senate with overwhelming support for the legislation. Mr. President, 74 Senators voted for it, but the other body was not able to pass the legislation. So at that time the program was extended for just 1 year, and now it appears unless additional help is passed in this Congress, we are going to see many of these communities simply not able to survive.

I have been told in my State alone two rural communities would simply have to shut their doors, and we are looking at the prospect of the State taking over those communities.

The reason all those folks in the green shirts are walking the corridors this week is they are making one last-ditch effort to get the funding passed before these county governments have to make what are not just drastic cuts to their budgets permanent but cuts that will be so severe, as I have indicated, the communities simply could not survive.

The energy tax extenders bill is the last best hope for getting this done, and as a result of the exceptional work done by Chairman BAUCUS and Senator GRASSLEY, the multiyear reauthorization of the county payments legislation has been included in their proposal. I think a number of colleagues on both sides of the aisle have been very supportive of this effort. I particularly express my thanks to Chairman BAUCUS, the distinguished leader; Senator REID, the chairman of the energy community, and Senator Jeff Bingaman. All of them have been enormously helpful as we have prosecuted this cause for months on end.

On the Republican side, Senator GRASSLEY has been extraordinarily helpful. Senator CRAIG, who authored this legislation originally with me, has been very helpful. Senator SMITH of my home State continues to strongly support this effort. I am also very grateful to Senator CRAPO from Idaho who continually brings up, at practically every session of the Senate Finance Committee, how important it is to reauthorize this proposal.

I know in the last few weeks of our fall session it is going to be easy to block legislation and hard to pass it. But I am very hopeful the energy tax

legislation, which includes the county payments legislation, which has the strong bipartisan support of Chairman BAUCUS and Ranking Member GRASSLEY, will prevail in the Senate and will go to the House of Representatives.

For literally decades, support from the Federal Government for these essential services, particularly schools in much of the country—but fighting meth, law enforcement, and other essential services in my State—have, in effect, been part of a bigger agreement with the Federal Government. In effect, what happened is something like 100 years ago, when the National Forest System was created, the communities that had largely forested areas said: We are going to offer a benefit to all the people of this country in terms of the National Forest System, but in return for placing these lands in public ownership, our communities would get support for essential services. For decades and decades that went on, and it was quite beneficial to both sides—to the rural communities and to the Federal Government—and we saw in my home State people from all over the country come and enjoy the National Forest System in Oregon and other communities around the United States.

But we saw, in the late 1970s and 1980s, because of the change in environmental policy and changes in the size of the timber cut, the money shriveled up for these rural communities. So it is essential we pass this legislation, particularly for this multiyear purpose, because it is our sense that in these rural communities, they know they have to look to the future for a variety of other opportunities to have family wage employment.

For example, in our part of the world, we hope to have a very significant job-creating program to thin out the second row of trees. This is an opportunity to get merchantable timber to the mills but do it in a way that helps family wage employment and is good for the environment. We are going to have rural communities and folks from the forest product sector and environmental leaders supporting us in that effort. In the other body, a friend of the Presiding Officer and myself, Congressman FAZIO, has championed a similar effort. But to set in place these new programs such as thinning and biomass, where we can create clean energy from our forests, we are going to need a bit of time. That is why this multiyear program is so extraordinarily important.

It is my view that the best opportunity we have had for some time to get county payments passed has come about because of the strong bipartisan work done in this Chamber to add county payments to the energy tax legislation. It is my hope, as we did when 74 Senators came together to support the original legislation I offered in this session, that, once again, we can get strong bipartisan support for county payments as part of the energy tax bill. If we can get it sent from the Senate in

a timely way to the other body, I think this time it will be possible to thread the needle, secure the funding for our rural communities, give them the opportunity to make the transition to these other areas that will allow them to strengthen their economy and particularly bring to our schools, to our law enforcement agencies the tools that are so desperately needed at this critical time.

Ms. COLLINS. Mr. President, I rise to speak in support of amendment No. 5276 to the National Defense Authorization Act, an amendment that would establish a government-wide Contingency Contracting Corps.

Through numerous hearings and investigations, the Senate Homeland Security Committee has documented many costly failures in contracting and acquisition management related to Federal operations following Hurricane Katrina and in Iraq and Afghanistan. The Special Inspector General for Iraq Reconstruction, other IGSs, and the Government Accountability Office have also reported on serious problems in Federal contracting. Many of these well-documented problems might have been avoided or mitigated if the government had a reserve cadre of skilled acquisition professionals who could be dispatched to areas in urgent need to assist with procurement and contract-management tasks.

Last year, I introduced S. 680, the Accountability in Government Contracting Act of 2007, with Senators LIEBERMAN, CARPER, COLEMAN, and MCCASKILL as original cosponsors. The Senate passed this bill unanimously last November 7, including a title that would establish a government-wide Contingency Contracting Corps. Unfortunately, House leaders have failed to take up our unanimously passed bill.

Just a few days before the Senate action, the Army released the report of a special commission on procurement headed by former Under Secretary of Defense Jacques Gansler. The Gansler Report noted that while contracting workload had increased by 350 percent since 1995, the Army's contract-oversight staff had declined by almost 50 percent. The report's recommendations for more people, better training, organizational reform, and other improvements offer us a case study of the challenges facing the Federal acquisition process.

"First and most important is the people," Dr. Gansler said while presenting his report. He was right, and that truth is at the core of the amendment that Senator LIEBERMAN and I now offer.

The need for a Contingency Contracting Corps is urgent. The Federal Government purchases more than \$440 billion of goods and services each year. Some of these purchases are pursuant to contracts issued under the stress and urgency of military operations or an emergency response.

Purchasing on such a prodigious scale and across a vast array of departments and programs can create abundant opportunities for fraud, waste, and abuse. And doing so under the stress of military or disaster-recovery operations without sufficient staff skilled in working in those conditions can multiply the potential for trouble.

Unfortunately, our government moved into the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. And as noted, the decline in the DOD acquisition workforce was even more pronounced.

We have seen that the urgent demands of natural disasters, a terrorist attack, or active military operations can overwhelm any agency's acquisition workforce. This amendment would provide the equivalent of a rapid-reaction force or strike team to ensure that emergency acquisition activities are performed swiftly, effectively, and economically.

The Corps would draw on volunteers from civilian and uniformed Federal-acquisition professionals. It would be managed by the OFPP Administrator. The Administrator would be authorized to prescribe additional training and determine when the Corps would be deployed. Any deployments would be made in consultation with the heads of the affected agencies, and in the case of military or civilian DOD employees, with the concurrence of the Defense Department.

The Contingency Contracting Corps is not a substitute for the many other reforms needed to improve government-wide acquisition, but it can help our Nation deal with urgent demands by temporarily reallocating trained acquisition staff from their regular duties to areas of pressing need. The Corps would help guard against the wasteful and excessive spending that too often occurs in exigent circumstances.

I urge my colleagues to adopt this much-needed, carefully constructed, and bipartisan amendment.

Mr. President, I rise to speak in support of amendment No. 5277 to the National Defense Authorization Act, an amendment that will improve stewardship of taxpayer dollars while promoting more transparency and competition in the procurement of goods and services by our government. Senator LIEBERMAN, chairman of the Homeland Security and Governmental Affairs Committee, joins me in sponsoring this amendment.

Our amendment, the Accountability in Government Contracting Act, is a bipartisan response to contracting problems identified by the Homeland Security Committee that pose increasing dangers of waste, fraud, and abuse as Federal contracting continues to grow.

The amendment consists of provisions that passed the Senate unanimously last November as part of S. 680. Many of that bill's provisions were in-

cluded in last year's defense authorization. The remaining provisions are offered in this amendment, with modifications based on discussions with other members of the Senate Armed Services Committee.

Joining Senator LIEBERMAN and me in this effort are Senators COLEMAN, CARPER, AKAKA, MCCASKILL, and TESTER.

The Federal Government purchases about \$440 billion in goods and services each year. The rising costs of military operations, natural disasters, homeland security precautions, and other vital programs will drive those expenditures to even higher levels in the years ahead.

This prodigious level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting, such as unusable trailers for hurricane victims, shoddy construction of schools and clinics in Afghanistan, or the installation in Iraq of showers for our troops that pose electric-shock hazards. All of these failures and more demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

Obstacles to improvement include personnel shortages, resource constraints, poor program administration, and inadequate accountability and transparency in the contracting process.

The resource challenges go far beyond funding, and start with a simple lack of trained personnel. The Federal Government moved into the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. The Department of Defense, which has the largest acquisition budget, has been disbursing enormous amounts of money to contractors since the first Gulf war, but saw its acquisition workforce shrink by more than 50 percent between 1994 and 2005.

Among the current, attenuated Federal acquisition workforce, nearly 40 percent were eligible to retire at the end of the last fiscal year. Meanwhile, the number and scale of federal purchases continue to rise, making this human-capital crisis even more dire.

Other challenges to fair, effective, and open competition and oversight include inadequate definition of requirements, overuse of letter contracts that fail to include all critical terms until after performance is complete, excessive tiering of subcontracts, and insufficient publicly available data on Federal contracts.

Our amendment offers sensible, practical reforms to address these problems.

A critical feature of this legislation will help recruit, retain, and develop an adequate Federal acquisition workforce. It establishes an acquisition internship program that will provide professional training and development for careers in Federal procurement and acquisition management to at least 200

college graduates per year. Another provision would require that government chief acquisition officers have extensive management experience—a requirement lacking in current law.

Our amendment also promotes more competition for government contracts—a positive step for both contractors and taxpayers.

Competition for government contracts helps to control costs, encourage innovation, and improve quality. Unfortunately, the tide has been running the wrong way. While the dollar volume of Federal contracting has nearly doubled since the year 2000, fewer than half of all “contract actions”—new contracts and payments against existing contracts—are now subject to full and open competition, down from more than three-quarters in the year 2000.

Our Homeland Security Committee investigations of federal contracting problems in the Hurricane Katrina disaster and in our military operations in Iraq and Afghanistan have confirmed the obvious concerns about this trend.

We need more competition, less sole-source contracting, and tougher management of Federal contracts. Our amendment mandates enhanced competition for each task or delivery order over the simplified acquisition threshold.

It further encourages competition for those orders by requiring Internet postings of notices of all sole-source task-or-delivery orders above the simplified acquisition threshold, within 14 business days after the award.

Another provision takes aim at abuse of interagency and enterprise-wide contracts, which account for 40 percent of Federal contract spending. It requires the Office of Federal Procurement Policy to survey, review, and provide guidance on procedures for creating, using, and continuing these interagency acquisitions. This step should eliminate some of the redundancies that have been discovered in these complex arrangements—redundancies that reduce the government's purchasing power and waste tax dollars.

I shall briefly note some other important provisions of the amendment.

The amendment will rein in the practice of hastily awarding letter contracts missing key terms, such as price, scope or schedule, and then failing to supply those terms until the contractor delivers the good or service—thereby placing all risk of failure on the government. In Iraq and Katrina contracting, we saw the perils of failing to supply the “missing term” promptly. For example, in July 2006, the Special Inspector General for Iraq Reconstruction identified 194 individual task orders valued at \$3.4 billion that were classified as “undefinitized contract actions.”

The government has allowed too much money and too many contract actions to linger in this status. The amendment corrects this flaw by requiring clear guidance in the Federal

Acquisition Regulation and strong justification for making such contracts or orders.

Contracting for Hurricane Katrina and in Iraq has also involved excessive tiering of subcontractors, driving up costs and complicating contract administration. The amendment mandates regulatory guidance for minimizing tiering to ensure that every layer of subcontracting adds value or serves a valid purpose in meeting Federal requirements.

In our committee investigation of debris removal after Hurricane Katrina, a disaster that required clearing away nearly 100 million cubic yards of debris, we found that some contracts involved five or six tiers of subcontractors, often with little or no apparent added value. This provision would put in place government-wide requirements to control this practice and its potential for wasting tax dollars.

Another important provision requires the OFPP to review and report on existing policies and to recommend needed changes to ensure that Federal agencies are not contracting out essential core responsibilities of government. The risks of such activity were made starkly clear in our committee's recent discovery that a contractor wrote parts of FEMA's request for proposals for the TOPOFF 5 emergency-management exercise and was then allowed to bid on the contract. This clear conflict of interest threatened both the integrity of the competitive process and objective implementation of Federal policy.

The amendment also restricts the default outsourcing of program-management responsibility when a large contractor becomes a "lead systems integrator" for a multipart project and requires the OFPP to craft a government-wide definition of lead systems integrators.

The Accountability in Government Contracting Act combines practical, workable, and targeted reforms to improve a complex process that expends hundreds of billions of taxpayer dollars every year. As the SIGIR said of these proposals in a Homeland Security Committee hearing last year, "these kinds of reforms are exactly what will save taxpayer dollars ... and address very directly the problems that we have been experiencing in contracting in Iraq."

My amendment will pay recurring dividends for years to come in higher quality proposals, in avoidance of wasteful and excessive spending, and in better results for our citizens. I urge my colleagues to support it.

Mr. BAYH. Mr. President, I rise today in support of section 254 of the fiscal year 2009 National Defense Authorization Act. I thank Chairman LEVIN and Senator JACK REED for working with me on this piece of legislation which is based on recommendations of the National Academy of Sciences and the Department of Defense. Critical technologies that help protect our national security are being

outsourced to the global economy and to nations that may not have our best interests at heart. One such technology is printed circuit boards, a type of electronics technology that is integrated into every weapons system we deploy, from the F-22 to UAVs to the MRAP. For years we relied on industry to maintain the technological advantage in this critical area, but we now must take more action to ensure that the United States maintains and protects this capability to better ensure our national security.

Due to economic pressures, industry has increasingly outsourced the manufacture of printed circuit boards, and we are in danger of losing the industrial base capable of building and maintaining these components, especially those with critical security technologies required for our military. Without this critical technology, many components in numerous defense systems would cease to function. The Department of Defense spends roughly \$500 million annually on procuring these components, and it is imperative that we safeguard their future production. We cannot allow continued outsourcing to move production to China and other nations. We must protect our access to critical and sensitive pieces of hardware that are the basis of our military technological advantage.

Previous Department of Defense efforts to address these issues have been incomplete, underfunded, and disjointed. It is critical that we establish an executive agent to monitor and protect issues related to the U.S. printed circuit board industry. Safeguarding the technology and manufacturing capabilities of printed circuit boards will protect our national interests today and in the future. Not only will this executive agent be instrumental in maintaining existing legacy systems but will also ensure the military's advancement of emerging technologies are used in the next generation of military hardware. Failure to establish an executive agent and take aggressive action would result in the eventual loss of a critical technology and the diminishing capacity of our military's ability to safeguard our national security. Therefore, I urge support of section 254 and of the National Defense Authorization Act.

Mr. LEVIN. Mr. President, Senator WARNER and I and our staffs and a number of other Senators have been trying to work out a unanimous consent agreement that would control the continuation of the deliberation and debate on this bill. We have completed a draft of a complicated unanimous consent agreement. It runs a little over two pages. I have been able to give it to Senator WARNER now. As always, he is very helpful and responsive and has assured me they can look at this overnight and, in the morning, give us a response, hopefully early, as to whether this, or some variation of it, will be acceptable on that side of the aisle. I thank my friend from Virginia and as-

sure folks that even though we weren't able to get specific votes today, because of a previous agreement that there would be no votes today, we hope that in the morning we will be able to have a roadmap for the balance of this bill.

Mr. WARNER. Mr. President, I have seen earlier iterations of this. I will take this up with the leadership and our colleagues early tomorrow, but I am not certain what time. I presume this would not require any votes in the morning.

Mr. LEVIN. That is correct.

Mr. WARNER. I think that would best serve our purposes. In consultation with our two staff directors and colleagues on our staff who work side by side, we have now cleared—both sides—about 75 amendments. So work has been going on throughout the day. I think we can, hopefully tomorrow, share this with colleagues and get a resolution of the timetables to move forward on the bill.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate move to a period of morning business, with Senators permitted to speak therein for up to 5 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

FORMER VICE PRESIDENT PROTECTION ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives today passed the Former Vice President Protection Act, H.R. 5938—a bill to ensure that that former Vice Presidents and immediate family members receive Secret Service protection for 6 months after they leave office. I am especially pleased that this important legislation, which will now be sent to the President for signature, includes key provisions of the Identity Theft Enforcement and Restitution Act, a critical cyber crime bill I introduced last year and that has twice unanimously passed the Senate in this Congress. I hope that the President will promptly sign this measure into law.

Although the Secret Service has provided protection to former Vice Presidents over the last 30 years through a variety of temporary grants of authority, this legislation will provide clear authority for the Secret Service to provide such protection for the first time. The men and women of the Secret Service perform the very difficult job