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No. 110

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, in the darkness of our limited knowledge, we turn to You whose dwelling place is light.

Today, send our lawmakers forth with Your light to do the right as You give them the ability to see it. Lord, help them to keep their minds on You so that Your peace will provide the foundation for their confidence. In their dealings with each other, keep them from unkind words and unkind silences. Kindle on the altar of their hearts a devotion to freedom's cause in all the world, as You bring their thoughts and actions into conformity to Your will. Lord, lift their hearts in gratitude to You for our heritage in this land of rich resources, high privilege, and durable freedom.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of the Defense authorization bill. There will be 2 hours of debate prior to a vote on the Levin-McCain amendment regarding F-22 funding. Senators should expect the first vote to begin shortly after 12 today. The Senate will recess from 12:30 to 2:15 for our weekly caucus luncheons. After that time, the bill will be open for further amendment. I hope Members who have amendments they wish to offer will do so at the earliest possible date.

### RESERVATION OF LEADER TIME

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

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

AMENDMENT NO. 1469

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call up amendment No. 1469.

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

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes amendment No. 1469.

The amendment is as follows:

(Purpose: To strike \$1,750,000,000 in Procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation)

At the end of subtitle A of title I, add the following:

### SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated

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



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by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 2 hours of debate on the amendment.

Mr. LEVIN. Mr. President, this amendment will strike \$1.75 billion in additional funding for F-22 aircraft that was in the committee-reported bill. It will also restore serious cuts that were made in readiness and military personnel accounts and across-the-board cuts. These cuts were made in order to shift funds to support F-22 production. It is appropriate that the F-22 issue receive the full consideration by the Senate that it has received. The F-22 debate is among the most important debates we will have on the DOD authorization bill this year.

Stating what may be one of the worst kept secrets in Washington today, the Department of Defense budget request called for ending production of several programs, including the F-22 program. I suspect the Department of Defense will seldom shut down any major acquisition program without a fair amount of controversy, and I agree with the Senator from Georgia that Congress should never be a rubberstamp for the executive branch. But neither should we object to terminating production of a weapons system because of parochial reasons.

Terminating production, such as closing a base, can involve some economic loss for communities involved. I know that very personally. But we must do so from time to time and make these difficult decisions based on what is best for the Nation and what is best for the men and women of the Armed Forces.

As President Obama said the other day, in strong support of ending the F-22 production:

To continue to procure additional F-22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

The Senate has heard from the senior leadership of the Defense Department, both civilian and military, that we should end F-22 production. The recommendation is strong and clear, as strong and clear as I have ever heard

when it comes to ending the production of a weapons system.

The Secretary of the Air Force and the Chief of Staff of the Air Force sent me and Senator MCCAIN a letter on this matter. This letter is already part of the RECORD. It reads, in part, as follows:

This review concluded with . . . a balanced set of recommendations for our fighter forces: 1) focus procurement on modern 5th generation aircraft rather than less capable F-15s and F-16s; 2) given that the F-35 will constitute the majority of the future fighter force, transition as quickly as is prudent to F-35 production; 3) complete F-22 procurement at 187 aircraft, while continuing plans for future F-22 upgrades; and 4) accelerate the retirements of the old 4th generation aircraft and modify the remaining aircraft with necessary upgrades in capability.

In summary, we assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F-22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

The Senate has also heard from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. In their letter to me and Senator MCCAIN on July 13, Secretary Gates and Admiral Mullen wrote the following:

There is no doubt that the F-22 is an important capability for our Nation's defense. To meet future scenarios, however, the Department of Defense has determined that 187 aircraft are sufficient, especially considering the future roles of Unmanned Aerial Systems and the significant number of 5th generation stealth F-35s coming on-line in our combat air portfolio.

It is important to note that the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

Furthermore, under this plan, the U.S. by 2020 is projected to have some 2,500 manned fighter aircraft, almost 1,000 of them will be 5th generation F-35s and F-22s. China, by contrast, is expected to have only slightly more than half as many manned fighter aircraft by 2020, none of them 5th generation.

The F-22 program proposed in the President's budget reflects the judgment of two different Presidents, two different Secretaries of Defense, three chairmen of the Joint Chiefs of Staff, and the current secretary and chief of staff of the Air Force. If the Air Force is forced to buy additional F-22s beyond what has been requested, it will come at the expense of other Air Force and Department of Defense priorities—and require deferring capabilities in areas we believe are much more critical for our Nation's defense.

For all these reasons, the Secretary of Defense and the Chairman of the Joint Chiefs concluded:

[W]e strongly believe that the time has come to close the F-22 production line. If the Congress sends legislation to the President

that requires the acquisition of additional F-22 aircraft beyond Fiscal Year 2009, the Secretary of Defense will strongly recommend he veto it.

You do not get much stronger statements than that from a Secretary of Defense and a Chairman of the Joint Chiefs.

The Secretary of Defense, just last Thursday, expanded on those thoughts at the Economic Club in Chicago, when he said the following:

. . . supporters of the F-22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F-22s to go after Somali pirates who in many cases are teenagers with AK-47s—a job we already know is better done at much less cost by three Navy SEALs.

The Secretary, in Chicago, said:

These are examples of how far-fetched some of the arguments have become for a program that has cost \$65 billion—and counting—to produce 187 aircraft, not to mention the thousands of uniformed Air Force positions that were sacrificed to help pay for it.

The Senate has also heard, of course, from President Obama, as follows—this is what he wrote us:

In December 2004, the Department of Defense determined that 183 F-22s would be sufficient to meet its military needs. This determination was not made casually. The Department conducted several analyses which support this position based on the length and type of wars that the Department thinks it might have to fight in the future, and an estimate of the future capabilities of likely adversaries. To continue to procure additional F-22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

So the President, based on his uniformed and civilian advisers' recommendations, has now said he will veto this bill if we keep the additional \$1.75 billion in the bill to buy the additional seven F-22s those military leaders—uniformed and civilian—strongly say we do not need.

I know my friend from Georgia has quoted some private sector individuals and one senior military official in particular, GEN John Corley, the Commander of the Air Force's Air Combat Command.

I do not take lightly the recommendations and advice of someone with a distinguished career such as General Corley. However, General Corley's assessment of a high military risk if we end the buy of F-22s at 187 is not shared by the most senior leadership of the Department that is responsible for viewing the F-22 program, and all other Department of Defense programs, from a broader perspective. These same leaders from the previous administration—the previous Secretary of Defense, the previous Chairman of the Joint Chiefs of Staff—recommended termination to President Bush, and President Bush also urged the termination of this program.

General Cartwright said at his confirmation hearing—or reconfirmation hearing—2 weeks ago the following:

. . . I was probably one of the more vocal and ardent supporters for the termination of the F-22 production. The reason's twofold. First . . . there is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

General Cartwright went on to say the following:

Point number two is, in the production of the F-35 Joint Strike Fighter, the first aircraft variant will support the Air Force replacement of their F-16s and F-15s. It is a very capable aircraft. It is 10 years newer—

“It” being the F-35 Joint Strike Fighter—

It is 10 years newer in advancement in avionics and capabilities in comparison to the F-22. It is a better, more rounded, capable fighter.

Well, that F-35 is in production now. In fact, there are 30 being paid for and bought and produced in the very budget for the Department of Defense which is before this body now.

President Eisenhower noted, from time to time, the military industrial complex will push for more and more, more than is needed. In this case, however—in this case—the senior military leadership is not pushing for more.

Finally, to quote again from Secretary Gates's speech last week—this was in Chicago at the Economic Club—

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable.

Secretary Gates said:

That is a risk I cannot accept and I will not take.

So, Mr. President, the time has come to end F-22 production at 187 F-22As. That is all we need to buy, that is all we can afford to buy, and that is all we should buy.

Mr. President, I yield the floor and reserve the remainder of our time.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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

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

#### HEALTH CARE WEEK VII, DAY I

Mr. McCONNELL. Mr. President, Americans are eager for health care reforms that lower costs and increase access. This is why many of us are proposing reforms that should be easy for everyone to agree on, such as reforming our medical liability laws, strengthening wellness and prevention programs that would encourage people to make healthy choices, such as quit-

ting smoking and losing weight and addressing the needs of small businesses without imposing new taxes that kill jobs.

The administration is taking a different approach to health care reform, and the more Americans learn about it, the more concerned they become. So it is good the President plans to spend a lot of his time in the days ahead discussing the administration's plan for reform because people need to know what the administration's plan is.

Specifically, Americans have concerns about losing the care they have and spending trillions of dollars for a so-called reform that could leave them with worse care than they have now, especially if it is paid for by seniors and small business owners.

One prospect Americans are extremely concerned about is that they will be forced off of their current plans as part of a government takeover of health care. Despite repeated assurances from the administration to the contrary, the independent Congressional Budget Office says that just one section of one of the Democratic proposals we have seen would force 10 million people off their current health plans.

Americans do not want a government takeover, and they certainly do not want the government to spend trillions of their tax dollars to pay for it, especially if the care they end up with is worse than the care they already receive, and especially if the money that is spent on these so-called reforms only adds to the national debt.

The President has repeatedly promised that his reform would not add to the debt. Yet both the House and Senate reform bills we have seen would do just that. This is why even Democrats have started to backpedal from the administration's plans.

One reason Democrats are having second thoughts is because the Director of the Congressional Budget Office has sounded the alarm over the administration's claims that its reforms would cut long-term overall health care costs. On the contrary, he said the administration's reforms would actually lead to an increase in overall costs. Concerns like these about costs and debt have been building slowly for weeks.

Another growing concern even among Democrats is the impact these higher costs would have on States in the form of higher Medicaid costs. At a time of tight budgets, this is something that Governors from both political parties are not very happy about.

For example, New Mexico Governor Bill Richardson has said, and I am quoting him directly:

I'm personally very concerned about the cost issue, particularly the \$1 trillion figures being batted around.

Expanding Medicaid might look like an easy way to expand access, but it will actually mean massive spending increases for both Federal and State taxpayers. This could be a devastating

blow to States such as Kentucky and many others which are already struggling to pay the Medicaid costs they currently owe.

The administration's efforts to pay for its plans are not the least bit reassuring. The two main groups they are targeting are the last two that should be expected to pay for it: seniors, through Medicare cuts, and small business owners, through higher taxes.

To me, it is just common sense that in the middle of a recession the last thing—the last thing—we should be doing is raising taxes on small businesses. Yet both bills we have seen would do just that. Indeed, under the House bill, taxes on some small businesses would rise as high as roughly 45 percent. This means in order to pay for health care reform, Democrats would increase the tax rate on some small businesses to about 30 percent higher than the rate for big corporations. Taxes would go up so much, in fact, under the House proposal that the average combined Federal and State top tax rate for individuals would be about 52 percent—52 percent, Mr. President.

Let's consider that figure for a moment. To repeat: In order to pay for a health care proposal that would not even address all the concerns Americans have about access and cost—and which might even increase overall health care costs—Democrats in the House would raise the average top tax rate in the United States to about 52 percent.

The chart behind me was created by the Heritage Foundation and appeared last week in the Wall Street Journal. It shows that the House bill would raise the top U.S. rate above even France. Of the 30 countries the OECD measures, only Belgium, Sweden, and Denmark have higher rates, and five U.S. States would have tax rates even higher than both Belgium and Sweden.

The United States is in the middle of a recession. We have lost more than 2.5 million jobs since this January. Families are losing homes. The last thing they need is a government takeover that kills even more jobs, adds to the ballooning national debt, increases Americans' long-term health care costs, and leaves Americans paying more for worse care than they now receive. The proposals we have seen are not just incomplete, they are indefensible, particularly at a time of spiraling debt and ever-increasing job losses.

Maybe this is why the administration has started to insist on an artificial deadline for getting its reform proposals through. We certainly do not need to rush and spend \$1 trillion to enact this flawed proposal by the August recess. The American people and members of both parties in Congress are calling on us to slow down and take the time to get it right.

Health care reform is too important to rush through and get it wrong. We saw what happened when some rushed and spent \$1 trillion on an artificial

deadline with the stimulus. The American people do not want the same mistake to be made. Instead of setting a 3-week deadline on legislation that would end up affecting one-sixth of our economy, the administration should focus on meeting existing deadlines.

The Mid-Session Review of the administration's earlier predictions about unemployment, economic growth, government spending, and the outlook for the Federal deficit has traditionally been released in mid-July. Yet now we are hearing the administration may not release its mid-session review until August, after Congress has adjourned and after the administration's artificial deadline for a Senate bill on health care.

The administration is also struggling to meet its decision to close Guantanamo by January 2010. The administration's task force on detainee policy has said it will miss its deadline for making recommendations. It seems premature to announce a closing date for Guantanamo without knowing where these detainees may be sent. The most recent delay is even more reason for the administration to show flexibility and reconsider its artificial deadline for closing Guantanamo.

Americans want Republicans and Democrats to enact real health care reform that reduces costs and makes health care more accessible. They don't want a government takeover of the health care system that costs trillions of dollars, is paid for by seniors and job-killing taxes on small businesses and that leaves them paying more for worse care than they currently have. Before the administration rushes to spend another trillion dollars, it needs to slow down and focus on fixing our economy and addressing the issues it is already falling behind on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Levin-McCain amendment on the F-22. I was listening with interest to the chairman speak a little bit earlier when he raised several points that I am going to address specifically as I get into the guts of the argument. I think it is kind of interesting when he gives a list of those individuals in the Pentagon and in the White House who are now in opposition to continued production of the F-22. Interestingly enough, everybody he talked about—from the President to the Secretary of Defense, to the Secretary of the Air Force, to the Chief of Staff of the Air Force, the Chairman of the Joint Chiefs—every single one of those individuals is political. They are appointed. They are appointed by the President.

I am going to talk about some individuals who are in support of the F-22 who are not appointed. No. 1, they are the men and women who fly the F-22. Secondly, it is men who have had the courage to wear the uniform of the United States of America in an unpar-

alleled way that I have seen since I have been here, who have been willing to stand up to that political leadership and say: You guys are wrong. They have been willing to stand and say that if you cut off production of the F-22 at 187, you are going to put this country at a high risk from a national security standpoint.

As we go through the debate, it is going to be interesting to contrast the statements and the letters that every Member has received a flurry of over the last several days. I have never seen the White House lobby such as they have lobbied on this issue. For a White House that was not supposed to be a lobbying White House or in support of lobbyists, it has been unparalleled in my now going on 15 years as a Member of the Congress.

Senator LEVIN spoke earlier about the F-35: We are going to ramp up production. We are going to buy 30 airplanes, 30, in this budget. Well, guess what we are paying for those airplanes. We are paying \$200 million a copy. Guess what we are buying an F-22 for today—an airplane that has been through the test phase; an airplane that has proved itself. We are under a multiyear contract that calls for payment by the Air Force to the contractor of \$140 million a copy. There is going to be a lot of conversation on this floor about the cost of the F-22, and it is expensive: \$140 million a copy is very expensive. But to come in here with a straight face and say we are going to save taxpayers' money by moving to the F-35 and then turn around and say we are going to pay \$200 million a copy in this bill for F-35s, something about that doesn't add up.

Well, let me just say we are in a debate with the Pentagon with respect to budgetary issues submitted by the Pentagon to Congress. There are a lot of people who think we ought to step in line, salute the Pentagon and move ahead and do exactly what the Pentagon says with respect to the purchase of weapons systems. Well, that is not the way the Framers of the Constitution intended the Senate and the House to work. Article I, section 8 of the Constitution provides Congress with the power to levy and collect taxes, provide for the common defense of the United States, to raise and support armies and to make rules for the government and regulation of the land and naval forces.

Clearly, we in Congress have a role in overseeing the Department of Defense, reviewing budgets, and questioning budget and policy recommendations. Our interest and involvement in these issues are appropriate and not just based on parochial issues. We are charged with the responsibility of reviewing DOD policies, whether fiscal policies or otherwise. That is simply a part of our job.

I think it is important to note that on several occasions in recent years, Congress has authorized policy or funding initiatives that DOD has strongly

opposed and, in retrospect, Congress was right and DOD was wrong. Perhaps the most similar example to the F-22 is the battle over the F-117 that occurred many years ago when the Air Force wanted to stop buying F-117s. Thank goodness my predecessor, Senator Sam Nunn, who was then chairman of the Senate Armed Services Committee, forced the Air Force to buy more F-117s. Ironically, part of the Air Force's argument was that they wanted to shift funding and focus to buying more F-22s. The F-117 was critical to establishing air dominance over Iraq in Desert Storm, and we can thank Congress for recognizing the need for more F-117s years ago.

There are several other examples, such as the Goldwater-Nichols Reorganization Act of 1986 and the establishment of Special Operations Command in 1987, both of which were strongly opposed by the Pentagon. Other examples are continuation of the V-22 program and prohibition against retiring U-2s and B-52s, all of which are paying dividends beyond what the military expected, including in Iraq and Afghanistan today.

I wish to address a comment Senator LEVIN and others have made regarding previous Secretaries of Defense and Chairmen of the Joint Chiefs supporting only 183—or 187 now, with the addition of four F-22s we are buying in the supplemental. First, that number of 183 originally was established not on the basis of any study or analysis—never a study that came out and said we need 183 and we are going to be basing our decision on that—but it was based on PBD 753, which is inside Washington baseball, which was an OSD budget drill 2 days before Christmas in 2004, in which the Air Force had absolutely no input. Neither the Chief of Staff nor the Secretary was involved. A number of "183" or "187" has always been budget driven and not strategically driven.

There have been at least 10 studies done on F-22 numbers over the past 10 years. Of those, only one, the Joint Air Dominance Study done by DOD in 2005, recommended 183 F-22s. However, that study was based on only needing F-22s in a single-threat scenario and which also used a fixed budget.

Senator LEVIN mentioned the comments General Cartwright made in the Senate Armed Services Committee hearing 2 weeks ago. And he relies heavily on the statement General Cartwright made. General Cartwright responded to a question I asked, and my question to General Cartwright was: General, you say you support terminating the F-22 program at 187. Has there been any one single study, in the Air Force or outside the Air Force, any analysis done that recommends we terminate the program at 187? General Cartwright's statement to me was: Yes; there is a study going on in the Air Force right now that says we should terminate the program at 187.

Well, unfortunately for General Cartwright, we now know no study was

done. It is our understanding that the comment of General Cartwright is being corrected for the record and that we are receiving a corrected statement coming to the committee shortly.

I wish to quote from a statement by Pentagon spokesman Geoff Morrell that was made last Tuesday with respect to the comments of General Cartwright. This comment is quoted in the Daily Report. It now turns out that a recent study touted by Pentagon leadership as the justification for terminating the F-22 fighter isn't a study at all but a series of briefings by DOD's program analysis and evaluation shop in the Air Force. That word comes from the Pentagon's top spokesman, Geoff Morrell, who told the Daily Report late Tuesday that the study, or whatever it is, is: Not so much a study as work products.

Asked to describe the nature and timing of this study, Morrell told the Daily Report:

What I think General Cartwright was referring to . . . is two different work products—

One by the PA&E shop and one by the Air Force—  
and not so much a study.

Since PDB 753, only 183 F-22s have been programmed in the budget, with fiscal year 2009 being the last year of funding. To say previous Secretaries of Defense and Chairmen of the Joint Chiefs supported this is misleading since, until the fiscal year 2010 budget bill process, a decision on whether to buy more F-22s would be deferred to future decisionmakers. It is perhaps with this in mind that Secretary Gates himself decided last year to request additional F-22s in the fiscal year 2009 supplemental, and he did, in order to keep the line open and preserve the next administration's option for procurement of the F-22.

I know the former President, President Bush, did not want to see the program terminated. They can say what they want to on the other side, but having had personal conversations, I know what his feeling was about this great aircraft. He could have terminated the program, but he did not terminate the program. It is this administration that is seeking to terminate this program.

There have been five previous Secretaries of the Air Force, six previous Chiefs of Staff of the Air Force, seven previous Secretaries of Defense before this one, and eight previous commanders of Air Combat Command who have said we need more F-22s. We have supported this program from day one. We have continued to reduce the number from the original 781, now down to 187. The current Chief of Staff of the Air Force, whose letters have been quoted and inserted in the RECORD where he says we should cap it at 187, has testified time and time and time again in recent days and in recent weeks and who has written me letters stating that the military requirement for F-22s is not 187, it is 243, but he

says we can't afford it. Therefore, he has to salute his boss. His boss is a political appointee—Secretary Gates—and the political appointee says we are going to cap it at 187; therefore, that is the direction in which we are going to go and the direction in which you have to salute the flag and move on.

I am going to close my comments at this time and turn to my colleague from Connecticut. Before I do so, I will quote somebody who is not political, somebody who is not an appointee, somebody who is a former Chief of Staff of the Air Force. That is GEN Merrill McPeak, who, last week, in an unsolicited statement, came out and said, when he talked about terminating the F-22 production rate at 187:

I think it's a real mistake. . . . The airplane is a game-changer and people seem to forget that we haven't had any of our soldiers or Marines killed by enemy air since 1951. . . . It's been half a century or more since any enemy aircraft has killed one of our guys.

The F-22 is at the top end. We have to procure enough of them for our ability to put a lid on, to dictate the ceiling of any conflict. We certainly need some figure well above 200. That worries me because I think it is pennywise and pound foolish to expose us in a way this much smaller number does. . . . That's taking too much high-end risk.

General McPeak is a supporter of this administration and, as far as we can tell, he is not a consultant for any major defense contractor. For this reason, I think his comments deserve significant attention and credibility.

I will stop at this point, but I will say more later. I now turn to my colleague, Senator DODD, who I will say has been a great champion on this issue, a great partner in support of not just the men and women of the Air Force and our other branches that depend on this weapon system to protect America and our soldiers in the field but also a great protector from an economic standpoint.

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

Mr. DODD. Mr. President, how much time remains for those of us in opposition?

The ACTING PRESIDENT pro tempore. There is 44½ minutes remaining.

Mr. DODD. I ask to be recognized for 10 minutes, and if I need a little more, I will ask for it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, I commend Senator CHAMBLISS for his eloquent and persuasive argument about why this amendment is a dangerous one, and I say that respectfully. I have great admiration for CARL LEVIN and JOHN MCCAIN, but there are serious problems with this approach, from a national security standpoint as well as a manufacturing and industrial base standpoint.

To put this into context for our colleagues, we are being asked to authorize \$1.75 billion, or two-tenths of 1 per-

cent of the budget before us of \$680 billion. We are told there are at least 25,000 direct jobs and 95,000 direct and indirect jobs at stake for that \$1.75 billion—again, two-tenths of 1 percent of the budget—which Senator CHAMBLISS has offset, by the way. It is not an expenditure that is not going to be accounted for.

We are going to put those jobs at risk—not because this industry is in trouble, unlike the automobile industry, which we bailed out to the tune of \$63 billion, by the way—understanding the reason many of us supported that was to maintain an industrial manufacturing base.

In this case, we lead the world in aerospace. Nobody comes even close to the ability of the United States to produce the most sophisticated aircraft in the world. Yet with an industry doing relatively well—although commercial orders are way down, which is causing serious problems but that is as a result of the economic conditions. We are unwilling to come up with \$1.75 billion or two-tenths of 1 percent to put those many jobs at risk, not to mention retreating on our air superiority.

One of the critical components of national security is maintaining superiority both at sea and in the air. The F-22, by any estimation, is the most superior aircraft in the world. It is not even close in terms of competitors. Yet with the numbers we have and that we are relying on, we leave ourselves way short of the earlier projected numbers.

As Senator CHAMBLISS pointed out, the testimony over the years of those who advocated this program has been significant. In fact, in the letter most recently received from General Corley, head of the Air Combat Command Office, headquartered at Langley, VA, June 9, it points out how serious this would be in terms of exposing our Nation to national security risks. The head of the Air National Guard Bureau, Lieutenant General Wyatt, makes the same claim. Chief of Staff Schwartz, before he changed his mind a week earlier, advocated the F-22 as well, and its importance.

From both a manufacturing perspective and job loss, at a time when unemployment rates are skyrocketing, this body is about to lay off anywhere from 25,000 to 90,000 people—at a time when unemployment rates are going up, because we decided that \$1.75 billion is too expensive at this juncture, even though we have offset it, and we have put that many jobs at risk, not because the industry is failing or because it is a bad aircraft but because the Secretary of Defense and the administration have decided this program isn't worthy of our support.

So explain to those 90,000 people—somewhere in that range—once they lose their jobs and get laid off, and they will—why it was we decided today, because of two-tenths of 1 percent of the budget, to move in a different direction. Put aside, if you will, the \$63 billion we spent to develop this aircraft.

I raised these concerns expressed by our military commanders—again, most notably, GEN John Corley of the Air Combat Command, LTG Harry Wyatt of the Air National Guard—I have mentioned them. In my State, there are 2,000 to 3,000 jobs at risk, and 1,000 of the jobs are down because commercial orders are down. So it is really 2,000 to 4,000 people in my State who will lose their jobs.

No matter how much I care about the people in my State, I could not oppose this exclusively on that basis. You ought to look nationwide. It is not just my State; it is all across the country.

I raised concerns about what this amendment would do to our global competitiveness and discussed the potential harm to our economy posed by terminating the world's most advanced fighter jet.

I raised concerns over the industry's ability to build the less sophisticated F-35—which has only one engine not two, and the word “stealthy” applied to the F-35 is a myth; it is not as stealthy, even remotely, as the F-22—that the United States and its allies are counting on buying over the next decade.

Mr. President, before I revisit these critically important arguments, let's be clear on the context in which we are having this debate. The proponents of this amendment suggest they are saving taxpayers valuable resources in terminating the F-22. They claim such cost savings are well worth the risk Generals Corley and Wyatt have warned us about.

But out of a total of \$680 billion in the Defense authorization bill, this amendment is valued at \$1.75 billion. That is two-tenths of 1 percent of the total authorization. Since the planes are fully offset, there are no real savings in this amendment.

Instead, this amendment will come at enormous cost to our security and our economy. We are in the midst of a national manufacturing crisis. Everybody has talked about it. It is why we voted for so much support for the automobile industry only a few weeks ago right here in this body.

According to the Federal Reserve's July 15, 2009, Industrial Production and Capacity Utilization Report, manufacturing production has declined 15.5 percent nationwide, between June 2008 and June 2009. I will repeat that: There has been an over 15 percent decline in our manufacturing sector. This quarter's manufacturing production is the lowest in 27 years, which was the previous low point in production since 1967, when the Fed started to keep track of the data.

We in Congress tried to respond to this crisis. We passed the Emergency Economy Stabilization Act, designed to relieve credit markets and get banks lending again.

We passed the \$787 billion American Reinvestment and Recovery Act to stimulate the economy and boost demand in various sectors and put people back to work.

We have provided \$63 billion to Chrysler and General Motors to keep their production lines running—companies that were brought to their knees, in part, due to dismal business planning and severe mismanagement of their companies over the years.

Additionally, the government has acquired unprecedented equity stakes in these companies—8 percent in Chrysler and a whopping 60 percent in General Motors.

I have not opposed these efforts. As chairman of the Banking Committee, I worked with my colleagues who represent those States to provide Federal assistance through the legislative process. But we took this step because we were responding to a national manufacturing crisis. We did it because we are responding to the dire and credible warnings about the potential impact of the auto industry's collapse—particularly in Midwestern States, which greatly depend on the auto business.

I will discuss briefly another critically important manufacturing base and its economic impact: the aerospace industry.

While my home State of Connecticut ranks 29th in total population, according to the Bureau of Labor Statistics, it ranks sixth in total aerospace employment.

In 2008, according to the Connecticut Department of Labor, aerospace employed over 36,000 residents of my State. So any discussion of terminating the fighter jet production has an outside effect on the people I represent.

I would not be arguing this case for the F-22 if it were strictly a parochial matter. We don't have a right to ask 99 other people exclusively because of something happening in our own States. The truth is, halting this production will have consequences for our industry's ability to continue to build aircraft for our military. I will lay out the argument for you.

The expertise of these people cannot be duplicated overnight. These trained engineers, scientists, manufacturers, and machinists are highly skilled and trained. I am concerned their skill sets and experience are being taken for granted, without consideration for the peculiarities of jet engine construction. That doesn't just hurt the workers and their families; it hurts all of us. Let me explain how.

According to the Defense Contract Management Agency, there is a 20- to 24-month lag between payment for and production of jet engines. So the number of planes ordered in any 1 given year doesn't correspond with the delivery time of those engines.

Under Secretary of Defense Gates's plan in calendar year 2010, Pratt & Whitney is expected to make 48 F-22 engines and 19 F-35 engines, for a total of 67 fighter jet engines. The following year, the number will drop precipitously to a total of 43 engines, since the F-35 is not scheduled to begin what is called “full-rate production” until 2014.

Thus, in calendar year 2011, Pratt & Whitney will be producing 11 F-22 engines and 32 F-35 engines, for a total of 43 fighter engines. In 2012, since there will be no F-22 production, there will only be 41 F-35 engines built.

The problem is even more acute when you compare overall military engines being built in 2010 versus 2011 and 2012. Under current plans, Pratt & Whitney is expected to go from building 194 military engines to 130 in 2011. That is an average drop of 33 percent in work volume.

What will happen? It is the same thing occurring in manufacturing States all across the country: layoffs. Thousands and thousands of people—not just in my State but across the country.

In the absence of military aircraft work orders for 3 years, companies will be forced to tell the legions of highly skilled engineers, technicians, and machinists—workers such as the Pratt & Whitney mechanics I introduced and mentioned last week—that they are not needed now. They need to retrain. They need to find another vocation.

Then, 3 years later, after these workers have settled in a new job, or have retired, the Department of Defense and our allies will try to ramp up production of the F-35. But they will not be able to. They will be left scratching their heads, wondering: Why can't industry meet our production needs right now? No doubt, we will ask the same question on the Senate floor.

To assume that the thousands of workers across the Nation who work on the F-22 will stand idly by until 2014 when we begin to build the F-35 Joint Strike Fighter is naive at best. This argument I make is not new at all. The Defense Department recognized this point in the 2006 Quadrennial Defense Review, published by the military to identify the needs and strategy of our Armed Forces.

The report stated that F-22 production should be extended “through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth generation stealth capabilities.”

At the same time, the F-35 was scheduled to begin construction in 2010. Since then, of course, it has been pushed back 4 years to 2014. There are some rumors that this date may be pushed back even further.

This means the military identified only 3 years ago—36 months ago—the most recent published report of this type, that our Nation would suffer a loss in aerospace manufacturing capability if fighter production doesn't have a seamless transition.

Their response was to ensure that we keep building F-22s until the F-35 reached full-rate production. Yet when the F-35 production schedule was pushed back 4 years, we did not extend the F-22 production to stabilize our industrial base. That is why you have the job losses I have mentioned.

Now we find ourselves in the very situation the Department of Defense was

trying to avoid 36 months ago, as we face looming job losses across our Nation, commercial orders down—losing these people on that basis and now because of the vote we may take on this issue—and thus a degradation of our ability to meet the aerospace production capability our national security requires. So I believe it is our duty and responsibility to protect these workers from losing their employment and make sure our country retains a viable and competitive capacity in the years ahead.

Let me also point out—and I did the other day on a national security basis—that, again, superiority is critical. Right now, there are some 40 nations that have the SU-27, which is a sophisticated aircraft, and the MiG-29, which competes with the F-15 and the F-16. Forty nations have that capability. I had a larger chart earlier—I don't have it with me today—but there are little red and yellow dots all over this map that indicate advanced surface-to-air missile capability where there have been orders made or they have already been acquired. Our F-15s and F-16s are vulnerable to those surface-to-air missiles. All over the globe they exist.

The F-22 literally could avoid the kind of detection these surface-to-air missiles provide. So we now have a capacity to be able to respond. Now we may not—and as long as we are dealing with Afghanistan and Iraq, that is one issue. But, frankly, we have to prepare for situations that could get a lot more dangerous for our Nation. The Chinese and the Russians are aggressively pursuing a fifth generation aircraft to compete with the F-22. And to say that the F-22 and the F-35 are virtually alike I think is a mistake. That is not the case at all. There is a difference.

From a national security standpoint as well, there was a reason why General Corley and General Wyatt and others have made a case on these aircraft. There is a reason why we invested some \$65 billion to develop this aircraft. There is a reason why the quadrennial report 36 months ago warned about these gaps and what it would do to our industrial base and manufacturing.

I hope our colleagues, in the midst of all of this, would understand what is at stake. Again, here we are, on an economic basis, where many jobs could be lost in our country with critical technology that hangs in the balance. It would be one thing if we were arguing here this plane was no longer needed, it was not going to do the job we thought it would do, it wasn't as sophisticated as we hoped it would be. Then you might decide dropping this, giving up some jobs, may make some sense. But to give up an aircraft of this sophistication and this capability, and simultaneously, in an economic situation such as we are in, to lose as we are predicting somewhere between 25,000 and 90,000 jobs with this decision, for \$1.75 billion in this budget—two-tenths of 1

percent out of a \$680 billion authorization bill, I think is terribly shortsighted.

I hope my colleagues would listen to these arguments, would debate and understand there is an ability, to reach a compromise where we can go forward with production, reduce some of the cost that the proponents argue for in this amendment, and then move toward together. But to make the decision that we may make in the next hour and a half or so would be a great danger for our Nation.

I appreciate my colleague Senator CHAMBLISS giving me the opportunity to respond on this issue, and I thank him for his work as well in making the case to our colleagues, Democrats and Republicans. This ought not to be an issue that divides along those lines at all. We need to understand what is at stake for our Nation, both in terms of our manufacturing base as well as the national security needs that have been identified.

Mr. President, I ask unanimous consent to have printed in the RECORD the two letters, one from General Corley and one from General Wyatt.

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

DEPARTMENT OF THE AIR FORCE,  
HEADQUARTERS AIR COMBAT COMMAND,  
Langley Air Force Base, VA, June 9, 2009.  
Hon. SAXBY CHAMBLISS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment on the critical issue of F-22 fleet size. At Air Combat Command we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term.

To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F-22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the U.S. Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY,  
General, USAF,  
Commander.

Hon. SAXBY CHAMBLISS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your inquiry and the opportunity for me to discuss what I believe to be a serious threat

to the Air National Guard's ability to fulfill our Nation's highest strategic priority; defending the Homeland. The ANG has proudly performed the bulk of this mission, while simultaneously participating in overseas contingency operations, with aircraft that are rapidly nearing the end of their service life. While I believe our Nation has the capacity to recapitalize the ANG, I am not aware of any plan that commits to doing so. As such, we are in need of an immediate solution in order to ensure that America's most cost effective force can continue to perform its most important mission.

While a variety of solutions abound, I believe the nature of the current and future asymmetric threats to our Nation, particularly from seaborne cruise missiles, requires a fighter platform with the requisite speed and detection to address them. The F-22's unique capability in this arena enables it to handle a full spectrum of threats that the ANG's current legacy systems are not capable of addressing. I am fond of saying that "America's most important job should be handled by America's best fighter".

Indeed, I am keenly aware of the severe strain that our current economic situation has placed on the Department of Defense as it attempts to modernize for an ever evolving threat environment. Given this reality, finding more efficient ways to protect our Nation's interests at home and abroad is the new imperative. Many say this will mean making tough choices, but I believe we can maintain our vitality by making smart choices; leveraging the cost effective and dual use nature of the ANG is the answer. Basing F-22s (and eventually F-35s) at strategic ANG locations throughout the United States while simultaneously making them available to rotationally support worldwide contingency operations is the most responsible approach to satisfying all of our Nation's needs.

Again, thank you for your inquiry and your continued support of the Air National Guard.

Sincerely,

HARRY M. WYATT III,  
Lieutenant General, USAF,  
Director, Air National Guard.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 1 minute to give the figures relative to the F-35 production, which are the Pentagon figures. I am not sure where my good friend from Connecticut got his figures on future F-35 production. But the figures from the Pentagon are that there are 30 in this year's budget; in next year's budget, fiscal year 2011, they plan 70 F-35s; in fiscal year 2012, 109 F-35s; in fiscal year 2013, 119 F-35s. Those are far different than the numbers which my friend from Connecticut just gave.

I am not sure the source of his numbers. Perhaps he can give us those numbers at a later time.

At this point, I yield 5 minutes to the Senator from Delaware.

Mr. DODD. Madam President, if I may respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I wanted to state where the numbers came from. They are from the Defense Contracting Management Agency. That is where the numbers came from.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, today, I would like to speak in strong support of the Levin-McCain amendment which strips \$1.75 billion in spending for additional F-22s. These are fighter jets the military does not want and does not need. This is a Cold War system, in a post-9/11 world, that is underperforming and overpriced. To force this purchase, against the best judgment of our military leadership and Commander in Chief, weakens our ability to keep our Nation safe.

The White House and Pentagon agree that continuing the F-22 production line decreases our military readiness by wasting resources that could be much more usefully employed. And it is not a partisan issue. Presidents Obama and Bush; Defense Secretaries Gates and Rumsfeld; Chairman of the Joint Chiefs of Staff, Admiral Mullen, and his two predecessors; and the Secretary and Chief of Staff of the Air Force all agree that the F-22 is not the most efficient or effective warplane to meet our current and future defense needs.

The F-22 has not flown one mission over Afghanistan or Iraq, because it is not the best weapon to meet the challenges we are currently facing.

This system was designed to counter Soviet fighters at the end of the Cold War. And its continued purchase deprives the military of \$1.75 billion it requested for other critical priorities, such as building the capability to protect our troops and defeat insurgencies.

With ongoing wars in Afghanistan and Iraq, we cannot afford to disregard the views of our military. And in these tough economic times, we cannot afford to adopt an irresponsible approach to defense spending. These facts speak for themselves, and the stakes are simply too high. What more evidence do we need?

The F-22 prepares us for the wars of the past; the wars we have already won. Today, we must look forward and make tough decisions for the future. We must heed the advice of our military leaders, such as Secretary Gates, to rebalance our defense budget. And enhance our capabilities to succeed against current and future threats. This includes preparing for a wide spectrum of conflict and continuing to engage in counterinsurgency.

Madam President, this debate is not just about the future of F-22s. It is about changing the way we do business. It is about accepting this rebalancing and ending unnecessary waste. And it is about matching vital national security interests with commensurate levels of funding.

The F-22 is the first test of our willingness to make the tough choices necessary to truly prioritize defense spending.

As Secretary Gates said last week:

The grim reality is that with regard to the budget, we have entered into a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that

will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

Madam President, I want to align myself with the remarks of Secretary Gates, and reiterate to my colleagues that this is a risk none of us should be willing to take.

Many of my colleagues have spoken of the sacrifice and cost such a decision incurs in terms of jobs. They are right, and I share their concern about jobs; especially in these tough times. I know this makes our decision today hard, and no one wants to do anything that will hinder job creation and growth. But it is with these economic constraints in mind that we must also consider the implications of spending nearly \$2 billion on a defense program that our military leadership says it simply does not need.

Building more F-22s does not allow for smart or efficient growth of our workforce. Moreover, the number of jobs lost on the F-22 will likely be matched by increased production of the F-35, which is a newer and more capable warplane. American workers are needed to meet this and other defense priorities, which strengthen our national security. Jobs should follow, as opposed to dictate, our defense needs.

For those concerned about cuts, I point out that the budget proposed by the President and Secretary Gates represents an increase, not a decrease, in defense spending. But this is not just an increase for the sake of spending.

Rather, it is a budget that recognizes that over the last two decades, the nature of conflict and war has fundamentally changed. It recognizes that we must continue to build the capacity to confront a wide spectrum of challenges—conventional and unconventional; regular and irregular—and better prepare for a future in which we will continue to engage in counterinsurgency.

Today, we must do what is in America's best interest. Today, we must focus on weapons systems that offer the maximum versatility and effectiveness, and prepare the military against the widest range of threats. And today, we must plan for our current and future counterinsurgency needs, as shaped by our experiences in Afghanistan and Iraq.

It is in this regard that I urge my colleagues to join me in supporting the Levin-McCain amendment, and adopt a better approach to defense spending.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be charged equally on both sides.

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

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

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

Mr. CHAMBLISS. Madam President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator for yielding time on this important debate.

As we consider the future of the F-22 program, it is important for us to remember the most fundamental goal we have for our defense industry and the way we have met that goal for many decades. That goal is to give our men and women in uniform technology and equipment that is far superior to that of our enemy so they can protect themselves and defend our Nation. It has been our mission from the time of the Wright brothers to the days of Rosie the Riveter, to the era of stealthy technology.

But maintaining that technology has depended on an important partnership and that is a partnership between the Pentagon, which determines the needs of our war fighters, and industry, which does the research and design and builds the next generation of military equipment that meets those needs. It is a partnership that is vital to our military strength, to our economy, and to the health of our domestic industrial base.

Unfortunately, it is also a partnership that is being weakened by amendments such as the one we are considering today. Instead of treating military procurement such as the partnership that it is, this amendment envisions it as a one-way street. This amendment cancels a vital military program without adequate thought of the men and women we rely on to design and build the equipment our war fighters depend on without any consideration of the fact that if we end the F-22 program, we are cutting a link in technology that we will not be able to repair overnight.

As many of you know, this is not the first time I have come to the floor to talk about the erosion of our Nation's industrial base. It likely will not be the last. That is because protecting our domestic base is not about just one company or one program or one State or one industry. This is about our Nation's economic stability, it is about our future military capability, and it is about the ability to retain skilled family-wage jobs in communities throughout the country.



Just last week, the Aerospace Industries Association issued a major report that finds the Pentagon failed to consider industrial effects when choosing strategies. That report urged the Pentagon to take into account the impact decisions such as the one to stop production of the F-22 make on our manufacturing base. That report also noted that our manufacturing base was not taken into account in past Quadrennial Defense Reviews, and when Secretary Gates unveiled his program cuts in April, he specifically said defense industry jobs were not a factor in his decisions.

As our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding a faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites or whether it is the engineers who are improving our radar systems or the machinists assembling our war planes, these industries and their workers are one of our greatest strategic assets. What if they, all of a sudden, were not available? What if we made budgetary and policy decisions that did not take into account the need of making sure we have a strong domestic workforce in our country?

Actually, that is not impossible or even unthinkable. It is actually happening today. We need to be clear about the ramifications of amendments such as the ones we are considering today because once we give up on producing this technology, once we say that certain research and development is no longer needed, we lose that. We lose it and we cannot rebuild it overnight.

Today, as we consider a critical tool for the future of our military across the globe, we have to also remember the partnership we have built with our industrial base because, unless we consider the needs of that partnership, we are not only going to continue to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

Supporting continued F-22 production will help defend against potential threats, it will protect family-wage jobs, and, most importantly, it will preserve our domestic base. That is important because we do not know what conflict will come in the future. We don't know what our challenges will be 10 or 15 or 20 or 30 years from now. If we lose our engineering or our production base and we face a challenge in the future and go back to rebuild that, it will never happen. We will be at a disadvantage in whatever future conflict we might face.

I urge our colleagues to think about the long-term interests of this decision. I oppose the amendment and I look forward to further debate.

I yield the floor.

Mr. LEVIN. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The proponents have 35½ minutes, the opponents have 18½ minutes.

Mr. LEVIN. I yield to the Senator from Arizona as much of that time as he requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I thank the chair. I, again, thank my friend, the distinguished chairman, for proposing this amendment. I thank the distinguished chairman for being the sponsor of this amendment. It is a privilege to work with him on this as well as many other issues.

This amendment is probably the most impactful amendment I have seen in this body on almost any issue, much less the issue of defense. It boils down to whether we are going to continue the business as usual of once a weapons system gets into full production it never dies or whether we are going to take the necessary steps to reform the acquisition process in this country.

The F-22, in itself, is \$1.75 billion. That is an impressive number anyplace outside the beltway. But more important than that, it is a signal that we are not going to continue to build weapons systems that are plagued with cost overruns, which outlive their requirements for defending this Nation and, very frankly, starts to gain control of the acquisition process which is completely out of control.

The Government Accountability Office recently concluded that there were over \$295 billion in cost overruns in the last several years—\$295 billion in cost overruns. Recently, a close friend of mine and great leader and former Secretary of the Navy wrote an article in the Wall Street Journal. He stated:

When John McCain was shot down over Hanoi in 1967, he was flying an A-4 sky hawk. That jet cost \$860,000.

By the way, I didn't know that cost to the taxpayers I had caused. But the jet cost \$860,000.

Inflation has risen by 700 percent since then. So Mr. McCAIN's A-4 cost \$6.1 million in 2008 dollars. Applying a generous factor of three for technological improvements, the price for a 2008 Navy F-18 fighter should be \$18 million. Instead, we are paying about \$90 million for each new fighter. As a result, the Navy cannot buy sufficient numbers. This is disarmament without a treaty.

The situation is worse in the Air Force.

Then Secretary Lehman says:

In 1983, I was in the Pentagon meeting that launched the F-22 Raptor. The plan was to buy 648 jets beginning in 1996 for \$60 million each. . . .

That was in 1983 dollars.

Now they cost \$350 million apiece and the Obama budget caps the program at 187 jets.

Then he adds:

At least they are safe from cyberattack since no one in China knows how to program the '83 vintage IBM software that runs them.

He then goes on to cite other problems, including Navy shipbuilding fiascoes, et cetera.

. . . the Army's Future Combat System that was meant to re-equip the entire Army, the

400 percent cost overrun of the new Air Force weather satellite. . . .

And similar cost overruns.

It is out of control, I say to my colleagues. I will match my commitment to equipping the men and women in the military with that of anyone in this body, but it has to stop, and this vote on the F-22 will determine whether it is business as usual with the earmarking and pork-barreling of billions of dollars which has bred corruption—we have former Members of the Congress residing in Federal prison—or whether we are going to finally get it under control.

Who better to be a spokesperson, in my view, than our Secretary of Defense? I have known and admired many Secretaries of Defense. I know of no one whom I admire more than Secretary Gates. He gave a very important speech, on July 16, at the Economic Club of Chicago—a remarkable speech. I hope all my colleagues would have the chance to read it. In part of it he says, about the problems we are having in defense spending:

First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.

And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

Secretary Gates goes on to say:

As a result, many past attempts by my predecessors to end failing or unnecessary programs went by the wayside. Nonetheless, I determined in a triumph of hope over experience, and the President agreed—

I wish to emphasize my strong support and appreciation for the President's stand on this issue.

—and the President agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

Then, later on, he talks about the F-22.

Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F-22 fighter jet. We had to consider, when preparing for a future conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy. For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance—

Et cetera.

The President's budget would buy 48 of the most advanced UAVs. We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F-35 Joint Strike Fighter. The F-35 is 10 to 15 years newer than the F-22.

He goes on to say how important the F-35 is, and then he says:

The F-22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F-22, to be blunt, does not make much sense anywhere else in the spectrum of conflict.

I ask my colleagues, would you ask yourselves why the F-22 has never flown over Iraq or Afghanistan. It has been in production for nearly 5 years. It has never flown over Iraq or Afghanistan. And I want to emphasize that I think it is an important fighter. We are building 187 of them. The question before this body is why we continue to build more, whether we continue to build more, or the F-35, the Joint Strike Fighter, which goes to the Marine Corps and the Navy and the Air Force. Is this the weapons system we need to balance our entire capability of manned aircraft?

I would ask my colleagues, since the F-22 was on the drawing boards and moved into production, look at the advancement in unmanned aerial vehicles. I say that as an old pilot. The unmanned aerial vehicles have been performing a magnificent job both in Iraq and Afghanistan. They have been a critical element sometimes on the battlefields. And this President's budget understands that and gives extreme priority to that.

So as we go on, in light of these factors, Secretary Gates goes on to say:

With the support of Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F-22s and recommended as such to the President.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F-22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

The fact is, in the view of the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and most any objective observer of the military scene, they believe the F-22 is important, we need to have what we have, but it is now time to move on to the F-35, the Joint Strike Fighter.

So this amendment really means, are we going to look at the real and compelling needs we have to have in order to win the war in Afghanistan, continue our success in Iraq, and put our funds into that kind of equipment and weapons systems or are we going to continue?

Finally, I have great sympathy for the Senator from Georgia and other Senators who have come to the floor. I understand the sincerity of their views. I respect them. I would also point out, though, that to argue we should build weapons systems in the name of jobs is not what we should be about. What we should be about is procuring and building the best weapons systems to ensure

our national security and how we can best equip the men and women who are in harm's way all around the world today.

So I understand the economic impact, particularly in these hard times. My sympathy goes out to the communities that are dependent on the contracts for the F-22 aircraft. All I can say to them is we will do everything we can to help you and your families and make the adjustments, and there will be—we continue to increase spending on defense. We hope that we will be able to provide you with the necessary jobs and manufacturing that would be devoted to what we have ascertained as our national defense weapons systems procurement priorities, I say with sympathy to my colleagues who are deeply concerned about the loss of jobs in these difficult economic times. But this is not the way to provide jobs. Our obligation is to defend this Nation.

So I think this amendment is overdue. I think it will be a significant, a very significant amendment, as I said before, as to whether we will get our priorities straight and listen to our esteemed Secretary of Defense, our President, our Chairman of the Joint Chiefs of Staff, and other military leaders in whose hands we entrust to make the tough decisions. I understand the final decision is here in Congress, but I also don't think we should dismiss the arguments that have been made by I think one of the finest men to ever serve this country, and that is Secretary of Defense Gates.

I yield the floor.

THE PRESIDING OFFICER. Who yields time to the Senator from Utah?

Mr. CHAMBLISS. I will be happy to yield 7 minutes to the Senator from Utah.

THE PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, during his July 16 address, the Secretary of Defense, Robert Gates, said the military needed maximum versatility to bring to bear in a wide range of armed conflicts. Last January, he argued that “our military must be prepared for a full spectrum of operations, including the [insurgent] type of combat we are facing in Iraq and Afghanistan as well as large-scale threats that we face from places like North Korea and Iran.”

I could not agree more with Secretary Gates. However, just as our Nation unwisely disregarded the hard-learned lessons of how to fight counterinsurgency operations after Vietnam, the Defense Department seems poised to make similar errors by limiting our capability to defeat the air threat of today and tomorrow: the integrated air defense system.

This advanced system is composed of extended-range Russian surface-to-air missiles such as the S-300 and advanced fighters such as the Su-30, which have already been sold in large numbers to China and India. Together, these systems make penetrating hostile airspace extremely difficult, if not deadly,

for aircraft lacking the F-22's advanced stealth technology and capability for sustained supersonic speeds. It is these capabilities that enable the Raptor to have the unique capability to conduct stealth operations at any time of day or night.

Secretary Gates argues for ceasing production of the F-22 after only 187 are built because we will not face what the Pentagon refers to as a “near-peer adversary” for the foreseeable future.

For the sake of our Nation, I hope he is right. However, I believe this statement misses a critical point: advanced integrated air defense systems are comparably inexpensive and readily affordable by nations such as Iran, with its insistence on developing nuclear weapons.

History provides ample examples of the effective use of integrated air defense systems by nations that lack the resources to be considered a near-peer adversary of the U.S. As retired LTG Michael Dunn recently noted, North Vietnam defended its territory during the Vietnam war with what, at the time, was an advanced air defense system. This system, comprised of surface-to-air missiles and fewer than 200 fighters, was able to shoot down 2,448 American aircraft.

The 1973 War between Israel and Egypt is another example. The Egyptians learning from their recent defeats built an integrated air defense umbrella under which its forces were able to initially make significant territorial gains, while the Israeli Air Force faced serious losses. Only when the Egyptians advanced beyond the range of their surface-to-air missiles' umbrella was the Israeli Air Force able to inflict a significant blow.

A more contemporary example is the loss in the 1990s of an F-117 Nighthawk to the Serbians, who were not equipped with the latest air defense system.

Despite such examples, some argue additional F-22s are not necessary since stealthy jet-powered unmanned aerial vehicles or UAVs, which are still under development, will play an increasingly vital role in destroying critical ground targets. This is true for threats on the ground, but I am unaware of any plans to operationally deploy a UAV that can dogfight existing or next-generation Russian and Chinese jet fighters, which will be hunting these UAVs.

Our forces could be confronted with the next generation Russian and Chinese fighters soon. There have been numerous media reports the Russian Government is developing a new stealthy aircraft, presumably to counter the F-22. This aircraft called PAK-FA, is being developed jointly with the Indian Government. Additional media sources cite China's development of a similar twin engine, stealth aircraft known as the J-12.

Some argue that the F-35 Joint Strike Fighter can tackle those threats and defeat this new generation of advanced aircraft. While the F-35 is a

very capable stealth aircraft, it was designed to complement the F-22, not replace it. The fact is the F-35 is neither as capable a fighter nor as stealthy as the F-22. For example, the F-35 does not have, nor can be upgraded to use, the supercruise engines increasingly needed in today's stealth operations.

Remember the F-22 is the NASCAR racer of this air-dominance team. Fast and unseen, the Raptor will punch a hole in an enemy's defenses, quickly dispatching any challenger in the air and striking at the most important ground targets. The Joint Strike Fighter is the rugged SUV of the team. Impressive, but not as maneuverable or capable of sustained supersonic speeds, the F-35 will exploit the hole opened by the F-22 and attack additional targets and directly support our ground forces. This is not to say the F-35 is not a highly capable stealthy aircraft. But the F-35's role is to supplement the F-22, not substitute for it. Only by utilizing the strengths of both aircraft do we ensure air dominance for the next 40 years.

Furthermore, if the F-22 is such a boondoggle, why do our allies such as Japan and Australia want to spend billions to purchase the aircraft? Why does Australia, for instance, plan to purchase up to 100 F-35s and large numbers of UAVs, and yet remains interested in the F-22? Perhaps it is because Australia understands the Russians and the Chinese are developing even more sophisticated surface-to-air missile systems and stealth fighters, threats the F-22 is uniquely designed and equipped to destroy.

Others point out the F-22 has not been deployed in support of our operations in Iraq and Afghanistan. This is true. However, there were recent plans to deploy the F-22 to the Persian Gulf. But according to the July 9, 2008, edition of the widely respected Defense News, the Pentagon overruled those plans, citing concerns about "strategic dislocation." This means the F-22 is hardly a dinosaur. It is a weapon that can change the balance of power in a region and deter our adversaries.

In conclusion, I am reminded of a point author Michael Korda made in his book about the Battle of Britain. He observed that even though the two British prime ministers before Winston Churchill pursued a policy of appeasement, they also committed their government to develop and procure the three pieces of equipment: the Spitfire fighter, Hurricane fighter and radar, which were to ensure that nation's survival during the Battle of Britain.

I hope the Senate will profit from these lessons of history and vote against the McCain-Levin amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. How much time remains for the proponents?

The PRESIDING OFFICER. There is 21 minutes remaining.

Mr. LEVIN. I ask Senator WYDEN, how much time does he need?

Mr. WYDEN. I believe 10 minutes would be plenty.

Mr. LEVIN. I yield 10 minutes to Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I rise this morning to support the Levin-McCain amendment. It seems to me that buying more F-22s at this point would meet the very definition of government waste.

What you have is a situation where the Pentagon, which, suffice it to say, has not exactly been shy over the years in terms of calling for additional weapons, is on record as saying this is unnecessary. Further, I have been out talking with members of the Guard at home and trying to get their sense of what is needed in this dangerous time, and they have never once mentioned something like this.

They talk, for example, about body armor. They talk about boots. They don't talk about more F-22s. Suffice it to say, when the Congress is now having a debate about trying to find additional money for health care, for example, to go out and spend close to \$2 billion to buy seven more F-22 fighters the Air Force says it doesn't want defies common sense.

My home State, for example, would love to hire back police and other essential workers who have been laid off. Instead of building seven planes, we could be restoring infrastructure and developing renewable energy. Again, in my home State, we have had budget shortfalls. We have seen reductions in essential services, law enforcement being one. The debate is not about necessary steps to ensuring a strong national defense. The question is about whether the U.S. Congress wants to spend close to \$2 billion to pay for more fighter jets the Air Force does not want.

It is also important to remember that the F-22 is not being purchased for wars the United States is currently fighting. Certainly, the Taliban and Iraqi insurgents do not have an Air Force. The F-22 is being purchased to fight in possible future conflicts with other countries that may have an air force. While I strongly believe the Pentagon ought to be able to prepare for such possibilities, it is the Pentagon that is telling us we don't need these additional F-22s.

It is also important to note that the Pentagon has purchased 187 F-22s. There is not a debate about whether the United States ought to have fighters in our arsenal. The question is whether the Air Force needs 194 of them instead of 187. We have a very good Secretary of Defense, Robert Gates. The Secretary has said that 187 is sufficient to combat current and future threats. He is the one who said that more are not needed. He is the one who said:

We must break the old habit of adding layer upon layer of cost, complexity, and

delay to systems that are so expensive and so elaborate that only a small number can be built, and that are then usable only in a narrow range of low probability scenarios.

Secretary Gates has hit the nail about as perfectly on the head as one can. He and our country want the strongest defense possible. But there are ways to make better use of that \$1.75 billion than on seven more F-22s.

I serve on the Senate Select Committee on Intelligence. I know there are threats to our forces every single day. I see the Senator from Georgia who serves on the Intelligence Committee. He believes strongly about this as well. We need to make sure we are protecting our troops in harm's way, but we have a variety of choices in order to secure the protection our troops have been in need of. I intend to work with Chairman LEVIN, Secretary Gates, the distinguished Senator from Arizona, and the President to ensure we replace the current F-15 with more capable and safer fighters.

Last month, I visited with some of the 3,000 members of the Oregon National Guard's 41st brigade combat team, as they trained for their current deployment to Iraq. Not a one of the soldiers told me that their big concern was whether the Air Force would have 194 F-22s instead of 187. They talked to me instead about the best vehicles, the best medical care if they are injured, about the best body armor. Not one of them mentioned the F-22.

I am not voting against the F-22. I am voting for the soldier, the taxpayer. They both deserve our government's greatest protection at this critical time in our history.

I urge colleagues to support the Levin-McCain amendment.

I yield the floor.

Mr. INOUE. Mr. President, I rise today to address the F-22 program. For the past week as the debate has swirled around on this program I have not spoken on the subject. My colleagues know that I have strongly supported the F-22 program over the past two decades. Why? Because it is without question the world's most advanced fighter aircraft. It's capabilities far outstrip anything else in the world. There simply is no match.

When the Advanced Tactical Fighter Program began more than 20 years ago, no one could foresee what the world would look like in 2009. We planned to build 750 F-22s in order to match the Soviet Union's assumed far greater number of advanced fighters. The F-22 was designed with a goal of defeating 10 Soviet fighters apiece. The strategy was that using a combination of stealth and an advanced radar the F-22 would be able to attack Soviet fighters long before the adversary knew they were there.

I am pleased to note that 20 years later as we train with the F-22 our Air Force pilots report that is exactly what it can do. Time after time as we exercise with the F-22, the results are nearly the same. The F-22 defeats all

adversaries nearly with the same predictions as the designers hoped it would do.

What has changed, however, is that the Soviet Union no longer poses the threat that was assumed by the Defense Department in the 1980s. So then, critics say, why do we need to continue to buy more? We will soon have 187 aircraft that should be sufficient.

They note that the F-22 hasn't been used in Afghanistan. While that is considered a clear argument that it isn't needed, it is laughable. As far as I know al-Qaida and the Taliban don't have an air force. The F-22 is designed to defeat conventional military forces. It is designed, for example, to counter a conventional attack by an adversary against one of its neighbors. Were the Chinese to attack Taiwan, the F-22 would provide an incredible counter to the Chinese. The same would be true if a resurgent Russia were to try to reclaim countries in the Baltics. Unless we truly believe that we will never face another nation state in a conventional conflict then the F-22 is indeed necessary.

At 187 aircraft, the F-22 provides a very credible deterrent to those nations. Is it sufficient? Perhaps. Will the Joint Strike Fighter replace it, not a chance. The Joint Strike Fighter, we expect, will be a terrific aircraft, but it is designed primarily to attack ground targets. In a battle against the F-22, it would likely lose each engagement. With better trained pilots and tactics, the Joint Strike Fighter could probably give the F-22 a run for its money, but it was never designed to replace the F-22 and should not be viewed as such.

To me what is maddening about this debate is the sense that the decision is so clear cut that the F-22 program should be killed that it is only parochial politics that could keep it alive. That is pure hogwash.

The Nation has invested more than \$65 billion to develop and buy 187 aircraft. If we choose to buy more F-22s we will do so at a very reasonable price—about \$150 million. While that is not cheap by any stretch of the imagination, it is far cheaper than what we paid to initiate the program. And, if we kill the program and decide that we need to restart it in a few years, it is far cheaper than we would have to pay to resuscitate production.

This is not a boondoggle. We don't have critics saying the program is flawed and should be killed. Everyone agrees it is a great aircraft. While some of my colleagues obviously support the program because it means jobs in their States, others like myself who have no F-22 jobs in their States support the program because of its capabilities and their concern for the future. Why then has it become an issue over which to veto a bill? Why are the stakes so high with this program?

I have the greatest respect for the President and the current Secretary of Defense. I have supported both in al-

most every initiative they have advocated. But I see in this case a pattern that I have witnessed over and over again.

Time after time our new leaders, both civilian and military, look at a program and see all the reasons why it isn't the right one. For example, in the early days of the Clinton administration the C-17 program was nearly terminated because the production of the aircraft wasn't performing up to expectations. I recall 2 years prior to that the Appropriations Committee recommended a pause in funding for the C-17, not because we had lost confidence in the program. We still believed in the requirement for the aircraft, but the program wasn't performing. Up to that point, we had appropriated funds for 16 C-17s in total, but not a single one had been delivered, and there were very few coming together on the factory floor in Long Beach. We weren't recommending cancellation, but it served notice that attention was needed. However, the attention that the program received was mostly from critics who sought its termination.

When the Clinton administration came into office many of the new officials were convinced that the C-17 should be terminated. In that instance the Pentagon mandated a study to determine whether the C-17 was still required. Luckily the conclusion was that yes the plane was still needed and those who were calling for its cancellation, including some in Congress, would not get their way.

It was only a few years earlier that Secretary Cheney determined that the V-22 should be terminated. He was justifiably concerned that the price was increasing and that the program was taking longer than planned. It took the concerted effort of the Congress to stand up and say that we would not allow the program to be terminated. Certainly there were those in the Pentagon who agreed with the Secretary, but the Marines did not.

I am told that a few years prior to that my good friend Senator Rudman weighed in with Chairman Stevens to overrule the Air Force who wanted to kill the F-117 after the production of only one squadron of aircraft. I should point out that the F-117 was not built in New Hampshire. There might have been some modest amount of work associated with the plane in his state, but the reason that Senator Rudman insisted that we keep buying the F-117 was because of its unique capabilities not for any parochial reason.

My colleagues all know the history of the B-2 program. It was started as a classified program in 1981. The Air Force was going to build 132 bombers. We expected it to cost between \$20 and \$25 billion in total. The contractor built a huge state of the art factory out in the high desert of California to handle the production of the aircraft. Because it was highly classified every precaution had to be taken to protect

national security all of which dramatically increased the cost to produce the aircraft.

Clearly the contractor and Air Force were overly optimistic on the cost and schedule of the program. Within 5 years it was clear that the program was not going to be completed within \$25 billion. As development delays occurred, costs continued to escalate. The Air Force was unwilling to devote more resources to the program so in a series of moves it consistently delayed production of the aircraft and transferred dollars appropriated to build the aircraft to be used instead to cover higher development costs. By the time I became chairman, it was clear that the program would exceed its budget, but it was also clear that if it were successful it would provide an unmatched capability to this Nation. As costs mounted, the Defense Department determined that it would not be able to purchase all 132 aircraft. First production was cut to 75 and eventually it dropped to 20. In 1996 as the program was being killed, the contractor offered to produce three per year for several years at a price of about \$600 million per copy. However, by that time support for the program had eroded so that neither the Pentagon nor the Congress would take up the offer. Instead, by only buying a total of 21 aircraft, we invested over \$2 billion per plane making it the most costly aircraft in history.

This situation isn't unique to aircraft programs. In the case of shipbuilding, I remember vividly Secretary Cheney's decision to cancel the Seawolf submarine. As a result of that decision, the three Seawolf-class submarines that were eventually built were very expensive. Because we only bought three, the average cost of each submarine was more than \$4 billion. Had we built the 29 originally planned, I can only speculate about the cost, but it would certainly have been less than the price we are now paying for its replacement. What is even more galling is that during that time we were still building the capable SSN-688 Los Angeles class submarines and only paying about \$800 million apiece for them. Instead of reinvigorating that program, we cancelled the Seawolf program and proceeded with the New Attack submarine, now called the Virginia class, in order to move to a cheaper submarine. Regrettably, I have to report that the cost of the Virginia class submarine is so high that we have only been able to afford to purchase one per year. When I became chairman we were buying four Los Angeles class submarines a year and paying only 1/3 the cost of the Virginia class. Is the Virginia a better submarine? Surely it is. The technological advances that the Nation has developed between the time the Los Angeles subs were designed and this decade have allowed for substantial improvements. Is it better than the Seawolf? That is debatable.

The pattern I have watched during my tenure is a mix of four things.

First, programs are cancelled before or as they reach maturity. Why? Sometimes because new leadership wants to go in a new direction more often, and important costs increase and schedules are delayed which erode the support for the programs. Sometimes programs are cancelled because we believe the promised replacement will be more capable or cheaper. And sometimes we argue times have changed and we don't need them. In a few cases it is clear that the program wasn't performing as expected and should be terminated.

For the F-22 some will argue it is too expensive. That was the argument against the V-22 program. Some say we simply don't need any more. That was the argument used to kill the B-2. Would we like to have more B-2s in the inventory today? I, for one, surely would.

Others will say the threat doesn't warrant buying more F-22s. This is where I have my gravest concern. Some experts will tell you that we know that potential adversaries are working on fifth generation fighters. If in 5 years the Chinese unveil a new fifth generation fighter and begin to produce it in numbers will we regret the decision to kill the F-22, I believe we would.

I am told that no one is likely to be able to develop and build an F-22 equivalent aircraft for a generation. The skill and funding required to do so exceeds any foreign nation's ability. But in my view, they might not be able to design an F-22 themselves, but that doesn't mean they can't steal the plans.

We were told that the North Koreans were years away from a long range missile, then were surprised when they unveiled the Taepo dong. We were surprised when Pakistan conducted a nuclear test. We were shocked when the Soviet Union collapsed and most Americans were shocked when they learned about al-Qaida after 9/11. If there is one thing that shouldn't surprise us is that we cannot foretell the future.

So as my colleagues deliberate on the F-22 program I come down on the side of caution. I believe it makes more sense at this time to continue to produce the program to hedge our bets against the future.

To my knowledge there isn't a single worker in the State of Hawaii whose job is dependent of continuing production of the F-22, but I believe the program merits continued production.

I believe it is unfortunate that the debate on this matter has taken on an overblown proportion. One can make the case that 187 could be sufficient. Our Secretary and Chairman of the Joint Chiefs agree that is the case. But just like the Marines argued for continuing to produce the V-22, the leaders of our Air National Guard and those in charge of flying the aircraft argue that we need more—even though the Defense Secretary said it should be cancelled.

When some say well, the Air Force leaders say they have enough, I will re-

mind my colleagues that the Air Force said the same thing about the F-117 after we only produced one squadron.

When some say we should kill this and move on to the Joint Strike Fighter, I remember the Seawolf debate. We killed that submarine to build a cheaper alternative. Will we do the same thing here and be disappointed in the cost of the so-called alternative?

On February 2, 1989, I was selected as the chairman of the Subcommittee on Defense of the Appropriations Committee. For the past 20 years, it has been my distinct honor to serve either as the chairman of the ranking member of this subcommittee. As my colleagues all know, the defense subcommittee has the largest budget of any of our Appropriations subcommittees, and to many of us it is probably the most important of our subcommittees. It has required a great deal of my time and attention over the past 20 years. For me it has been a labor of love. I have the greatest respect for the men and women of this Nation who are willing to serve and who guarantee constitutional freedoms for the rest of us. It has been my priority to support their cause during this period.

As I consider the F-22, I do so with the past twenty years as my guide. In my opinion what I have learned has taught me to be cautious as we kill programs. Therefore today I will cast my vote to continue the F-22 program.

Mrs. BOXER. Madam President, I am going to continue to support production of the F-22 Raptor because we are still hearing strong indications from top military leaders that we need additional aircraft. Last month, General Corley, the Commander of the Air Force Air Combat Command, wrote that ending procurement of the F-22 would put our ability to execute our nation's military strategy at "high risk" over the "near to mid-term."

In addition, LTG Harry M. Wyatt III, the Director of the Air National Guard, has stated that these aircraft are particularly important for homeland defense missions, including addressing potential threats from cruise missiles.

GEN Merrill McPeak, retired, the former Chief of Staff of the Air Force, also recently added that ending F-22 procurement "is a real mistake," and that "we certainly need some figure well above 200."

I am also not prepared to vote to end production because I have yet to see a conclusive study indicating that 187 F-22s are enough. In fact, as late as May 19 of this year, GEN Norman A. Schwartz, the Chief of Staff of the Air Force, told the House Armed Services Committee that "243 F-22s is the right number. . . ."

The United States has made a significant investment in the F-22 program. Before terminating it, we must see in unequivocal terms how the defense planning process has determined that requirements and threats have changed to stop production at 187.

The next Quadrennial Defense Review—QDR—which outlines our na-

tional security strategy—is scheduled for submission by the Department of Defense in early 2010. This important document shapes how our military will respond to threats to our national security. The timing of today's vote ignores this review.

I will feel more confident making a decision on this important program after reading the QDR, as it will shape our national security strategy for years to come. As GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, said during his confirmation hearing for his second 2-year term, "The military requirement right now [for the F-22A] is associated with the strategy that we are laying out in the Quadrennial Defense Review."

While I realize that there are compelling arguments on both sides of this issue, I do not believe we have enough information at this time to shut down the F-22 line and terminate the program at 187 aircraft.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 11 minutes; the Senator from Michigan has 15 minutes.

Mr. LEVIN. Madam President, I am not sure how many other Senators want to speak or whether the opponents have speakers remaining on their side.

Mr. CHAMBLISS. Madam President, Senator INHOFE indicated a desire to speak. He is tied up in an EPW Committee hearing. He may be able to get here.

Mr. LEVIN. We would like to be at the end of the line, Senator MCCAIN and I.

Mr. CHAMBLISS. I will be happy to make some comments. Then Senator MCCAIN and Senator DODD and the Senator from Michigan could close it out. If Senator INHOFE comes in, we will give him a couple of minutes.

Madam President, would the Chair notify me when I have used 5 minutes?

The PRESIDING OFFICER. The Chair will so notify.

Mr. CHAMBLISS. Madam President, I want to make a couple of quick comments relative to some of what has been said. First, with regard to Senator WYDEN's comments concerning the National Guard, sure, all of us want to make sure we equip our Guard, our Reserve, as well as our active-duty force with all the needs they have. I would cite him to the letter of General Wyatt, who is the head of the Air Force Guard. General Wyatt says the F-22 is uniquely qualified to fill the needs the Guard has for its national security mission. To even slightly indicate that the Guard has issues with this program is simply not correct. The Guard is on record as being a strong supporter of this program.

I have a letter from retired GEN David Bockel, retired from the United States Army. He now is the acting executive director of the Reserve Officers Association. Let me quote part of this:

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F-22s is an inadequate number of aircraft to ensure no future threat can impede the U.S. air dominance. The minimum number of F-22s required to ensure a strong defense is 250.

I ask unanimous consent that the letter of retired General Bockel be printed in the RECORD.

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

RESERVE OFFICERS ASSOCIATION,  
Washington, DC, July 20, 2009.

Hon. SAXBY CHAMBLISS,  
Russell Office Building,  
Washington, DC.

DEAR SENATOR CHAMBLISS: The Reserve Officers Association, representing 65,000 Reserve Component members, supports additional procurement of the F-22 Raptor Aircraft. ROA urges Congress to authorize and appropriate funds for continued production of the F-22 Raptor.

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F-22 is an inadequate number of aircraft to ensure no future threat can impede U.S. air dominance. The minimum number of F-22s required to ensure a strong defense is 250.

Potential adversary nations are committed to producing their own fifth-generation aircraft in the immediate future. Not providing further funding for this crucial weapons system places at risk our nation's ability to meet known and near future threats. The United States can ill afford a fighter gap or to rely on legacy aircraft.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson, with any question or issue you would like to discuss.

Sincerely,

DAVID R. BOCKEL,  
Major General, USA (Retired),  
Acting Executive Director.

Mr. CHAMBLISS. I also have quoted earlier the comments by an active-duty general, a guy I consider a great American hero, not just because he falls in that category of wearing the uniform of the United States, but he is standing up to the personnel at the Pentagon. He is saying: You guys are wrong.

For an active-duty general to do that takes significant courage. This is a guy I want in the foxhole with me. That is General Corley, commander of Air Combat Command, who very clearly says in a letter that we have previously entered into the RECORD that a fleet of 187 F-22s puts execution of our national military strategy at high risk in the near to midterm and that the minimum number of F-22s we need, in his opinion, is 381.

I want to also talk for a minute about Senator MCCAIN's comments on the cost. This is an expensive weapons system, but it is also the most sophisticated weapons system ever designed by mankind. Most importantly, it is doing its job. It is doing its job in a very professional way. Instead of costing the \$350 million Senator MCCAIN stated in his earlier statements, be-

cause of a multiyear procurement contract we entered into between the Pentagon and the Air Force, as approved by this body—and I know Senator MCCAIN objected to that and I understand that—but by a vote of 70 to 28, that multiyear contract was approved by this body as well as by the House. As a result, instead of paying the \$350 million per copy he alluded to, we are today, under that multiyear contract, paying \$140 million a copy. That is in comparison to the \$200 million a copy that will be paid for every single F-35 we are buying in this budget. The figure for 200 F-35s in this budget exceeds \$6 billion.

There are a number of people who are watching this debate out there today. Certainly those folks at the Pentagon are anxiously awaiting the results of the vote. The White House is anxiously awaiting the results of the vote. The Chinese are anxiously awaiting this vote. Let me tell colleagues why. I want to quote from an article of July 19 from a gentleman named Robert D. Fisher, Jr., who is a senior fellow with the International Assessment and Strategy Center. He writes:

Though the Chinese government says next to nothing and the U.S. Government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F-35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

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

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

[From the Washington Times, July 19, 2009]

F-22 FIGHTERS FOR JAPAN

(By Richard D. Fisher Jr.)

If Japan's long-standing effort to acquire the Lockheed-Martin F-22 Raptor fifth-generation superfighter falls victim to Washington power politics, the United States may inadvertently encourage an Asian arms race over which it may have little control.

It is fortunate for the United States that in what may be the last year a deal is possible, Senate Appropriations Committee Chairman Daniel K. Inouye and his supporters have decided to lead an effort to reverse a 1998 law barring foreign sale of the F-22.

Through Mr. Inouye's efforts Japan now knows a slightly degraded export model of the Raptor may take five years to develop and cost about \$290 million a plane for about 40, compared to the estimated \$150 million the U.S. Air Force pays.

Japan's long-standing quest to obtain the F-22, however, may be shot down amid the intense political struggle over the F-22s very future. President Obama and Defense Secretary Robert M. Gates have made termination of F-22 production at 187 planes a symbolic goal of their effort to cut defense spending and reorient U.S. military strategy. This has been challenged recently by the House Armed Services Committee, which approved the production of 12 more Raptors,

and a Senate committee that approved production of seven more. However, the administration immediately threatened a veto, and the F-22's opponents are working hard to ensure that production ends in 2011 as currently planned.

After 2011, the F-22's costs will grow significantly, so Japan and its U.S. supporters have little time to nail down a deal. However, some U.S. officials have long doubted that Japan can afford to pay for the F-22, which is why the George W. Bush and Obama administrations have not seriously promoted the F-22 for Japan. Mr. Gates reportedly favors selling Tokyo the smaller, somewhat less capable and less expensive Lockheed-Martin F-35 Lighting II.

While Japan may also purchase the F-35, there are two important reasons Washington should fully support Japan's goal to acquire the F-22. First, the F-22 will be the only combat aircraft capable of countering China's expected fifth-generation fighters. Second, selling Japan the Raptor may become a critical nonnuclear means for Washington to help Japan deter a China on its way to becoming a military superpower by the 2020s. If Washington cannot provide decisive nonnuclear means to deter China, Japan may more quickly consider decisive deterrents such as missiles and nuclear weapons.

Though the Chinese government says next to nothing and the U.S. government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F-35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

Furthermore, China's development of anti-access capabilities such as anti-ship ballistic missiles, its buildup of nuclear-missile and anti-missile capabilities and space-warfare weapons will increasingly undermine U.S. strategic guarantees for Japan. China's development of long-range anti-air and surface-to-air missiles also threatens the electronic support aircraft critical to the "networked" U.S. air-warfare paradigm, meaning that jet fighters could quickly lose force-multiplying radar aircraft, tankers and communication satellites. As such, Japan is correct to prefer the F-22, which reportedly can fly 300 to 400 mph faster and two miles higher than the F-35—an aircraft optimized for attack, not air-superiority missions.

If Japan is serious about the F-22 and its military security, it will have to pay for both. But if Washington is serious about sustaining a strategic alliance, it should sell the Raptor to Japan and be prepared to do more as China's military looms larger.

Mr. CHAMBLISS. There is another group watching very anxiously out there. It is a group of men and women who wear the uniform of the U.S. Air Force. They are lieutenants, captains, and majors. They are watching this anxiously because they are saying to themselves: I signed up to be a part of a U.S. Air Force that believes in putting men and women in cockpits, men and women who are going to carry the fight to the enemy. What am I hearing from Members of Congress? What am I hearing from the leadership at the Pentagon? That we are going to move away from the most advanced fighter in the world today and move to a

smaller fighter? That we are going to move away from fighters maybe even altogether by going to UAVs? Is this the Air Force I signed up for?

I can tell my colleagues why they are anxiously awaiting the outcome. They have talked to me time and time again about the fact that they are concerned about their future in the U.S. Air Force. The worst thing we can do is to discourage those brave men and women who want to make a career of the Air Force and want to be wearing the two, three, and four stars one of these days. I assure my colleagues those lieutenants and those captains and those majors are watching what this body does from a policy standpoint today. They know where their leadership at the Pentagon is coming from. They don't like what they are hearing. They are now looking to Congress to fulfill the role that John Hamre, the director of CSIS, has said time and time again, and that is to objectively review the budget the Pentagon sends to the hill. We are in the process of doing that and exercising the type of oversight we should exercise.

I urge my colleagues to vote against this amendment.

I yield 2 minutes to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I know almost everything that can be said has been said. Having served on the Armed Services Committee for quite some time and having watched this, what is kind of worrisome to me is that when we started out the F-22 program, the fifth generation fighter program, at that time they were talking about 750. Then the numbers started coming down and approached, I guess, 243. The Air Force officials have repeatedly stated that no fewer than that would be sufficient with a moderate level of risk.

My concern has been the same concern I have when we are talking about ground capability, when we see countries such as China and Russia passing us up in areas. I will not bring up the NLOS cannon right now. But there are many places where our prospective enemies have better equipment than we do. We do know China has their J-12s; and Russia, I believe they are calling theirs the T-50s. We do know those are fifth-generation fighters. It is very disturbing to me that we would consider stopping at this point when this is not going to be adequate to get us out of the medium-risk category.

So I certainly support the effort to maintain those seven. Quite frankly, when Senator CHAMBLISS offered the amendment to expand it by seven, I was thinking we should really be shooting for more, and I think he agreed with that. However, apparently with the exports out there and with the additional seven that were put in, in the committee, that would be enough to keep the line open. So I strongly support the effort to keep those numbers where they are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes 45 seconds.

Mr. LEVIN. How much time do the opponents have?

The PRESIDING OFFICER. Forty-five seconds.

Mr. LEVIN. Well, if the Senator from Arizona would go, and then Senator DODD, and then myself.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Forty-five seconds.

Mr. MCCAIN. Madam President, we would be glad to yield a couple more minutes to the Senator from Connecticut.

Mr. LEVIN. Madam President, I yield 2 additional minutes to the Senator from Connecticut.

Mr. MCCAIN. Three, four. I ask the Senator, do you want to go ahead now?

Mr. DODD. Madam President, I will wait a couple of minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be fairly brief. This argument has been made, and we pretty well covered most of the issue. I would remind my colleagues that all the things we do are a matter of choice because we do not have unlimited amounts of funding, obviously, and if you spend money on one project, then obviously you may have to spend less on another. That is the case of the F-35, if we do not eliminate this \$1.75 billion.

But most importantly, I want to point out again, this amendment is more than just about a weapons system. This amendment is about whether we will stop doing business as usual; that is, continuing to fund weapons systems that are no longer needed and unnecessary. We are not saying the F-22 is not a good aircraft. We are saying it is time to end the production of the F-22.

The President of the United States has threatened to veto this entire bill. That is not good for the men and women in the military to have to go through this whole process over again. The Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and, very importantly, the Secretary of Defense, who has served now under two Presidents and has gained the respect and appreciation of all of us for his service—Madam President, I ask unanimous consent that Secretary of Defense Gates' speech last July 16 to the Economic Club of Chicago be printed in the RECORD.

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

U.S. DEPARTMENT OF DEFENSE, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS).

ECONOMIC CLUB OF CHICAGO

(As Delivered by Secretary of Defense Robert M. Gates, Chicago, IL, Thursday, July 16, 2009)

Thank you, Secretary Daley, for that kind introduction.

It's an honor to be at the Economic Club of Chicago. I certainly appreciate the special arrangements you made to have me here this afternoon.

I thank all the distinguished citizens of this great city who came here today. I am mindful I am speaking in the adopted hometown of my boss. President Obama sends his greetings, as do Rahm Emanuel and David Axelrod and the rest of the Chicago crew. They are no doubt discovering that Washington is the true "Windy City."

The issue that brings me here today is central to the security of all Americans: the future of the United States military: How it should be organized, equipped—and funded—in the years ahead, to win the wars we are in while being prepared for threats on or beyond the horizon. Earlier this year, I recommended to President Obama—and he enthusiastically agreed—that we needed to fundamentally reshape the priorities of America's defense establishment and reform the way the Pentagon does business—in particular, the weapons we buy, and how we buy them. Above all, to prepare to wage future wars, rather than continuing the habit of rearming for previous ones.

I am here on relatively short notice to speak publicly about these matters because Congress is, as we speak, debating the president's defense budget request for the next fiscal year, a budget request that implements many needed reforms and changes. Most of the proposals—especially those that increase support for the troops, their families, and the war effort—have been widely embraced. However, some of the crucial reforms that deal with major weapons programs have met with a less than enthusiastic reaction in the Congress, among defense contractors, and within some quarters of the Pentagon itself. And so I thought it appropriate to address some of these controversial issues here—in a place that is, appropriately enough not only the adopted home of our Commander-in-Chief, but also a symbol of America's industrial base and economic power.

First, some context on how we got to this point. President Obama's budget proposal is, I believe, the nation's first truly 21st century defense budget. It explicitly recognizes that over the last two decades the nature of conflict has fundamentally changed—and that much of America's defense establishment has yet to fully adapt to the security realities of the post-Cold War era and this complex and dangerous new century.

During the 1990s, the United States celebrated the demise of the Soviet Union and the so-called "end of history" by making deep cuts in the funding for, and above all, the size of the U.S. military, including a 40 percent drop in the size of the Active Army. This took place even as a post-Cold War world grew less stable, less predictable, and more turbulent. The U.S. military, with some advances in areas such as precision weaponry, essentially became a smaller version of the force that held off the Soviets in Germany for decades and expelled Iraq from Kuwait in 1991. There was little appetite for, or interest in, preparing for what we call "irregular warfare"—campaigns against insurgents, terrorists, militias, and other non-state groups. This was the bipartisan reality both in the White House and in Congress.

Of course, after September 11th, some things did change. The base defense budget—not counting spending for the wars—increased by some 70 percent over the next eight years. During this period there were important changes in the way U.S. forces were organized, based and deployed, and investments were made in new technologies such as unmanned aerial vehicles. However, when all was said and done, the way the Pentagon selected, evaluated, developed, and paid for major new weapons systems and equipment did not fundamentally change—even after September 11th.

Indeed, the kinds of equipment, programs, and capabilities needed to protect our troops and defeat the insurgencies in Iraq and Afghanistan were not the highest priority of much of the Defense Department, even after several years of war.

I learned about this lack of bureaucratic priority for the wars we are in the hard way—during my first few months on the job as the Iraq surge was getting underway. The challenges I faced in getting what our troops needed in the field stood in stark contrast to the support provided conventional modernization programs—weapons designed to fight other modern armies, navies, and air forces—that had been in the pipeline for many years and had acquired a loyal and enthusiastic following in the Pentagon, in the Congress, and in industry. The most pressing needs of today's warfighter—on the battlefield, in the hospital, or at home—simply lacked place and power at the table when priorities were being set and long-term budget decisions were being made.

So the most important shift in President Obama's first defense budget was to increase and institutionalize funding for programs that directly support those fighting America's wars and their families. Those initiatives included more helicopter support, air lift, armored vehicles, personnel protection equipment, and intelligence, surveillance, and reconnaissance assets for our troops in Iraq and Afghanistan. In addition, we also increased funding for programs that provide long-term support to military families and treatment for the signature wounds of this conflict—such as traumatic brain injury and post traumatic stress.

But, while the world of terrorists and other violent extremists—of insurgents and IEDs—is with us for the long haul, we also recognize that another world has emerged. Growing numbers of countries and groups are employing the latest and increasingly accessible technologies to put the United States at risk in disruptive and unpredictable ways.

Other large nations—known in Pentagon lingo as “near-peers”—are modernizing their militaries in ways that could, over time, pose a challenge to the United States. In some cases, their programs take the form of traditional weapons systems such as more advanced fighter aircraft, missiles, and submarines.

But other nations have learned from the experience of Saddam Hussein's military in the first and second Gulf wars—that it is ill-advised, if not suicidal, to fight a conventional war head-to-head against the United States: fighter-to-fighter, ship-to-ship, tank-to-tank. They also learned from a bankrupted Soviet Union not to try to outspend us or match our overall capabilities. Instead, they are developing asymmetric means that take advantage of new technologies—and our vulnerabilities—to disrupt our lines of communication and our freedom of movement, to deny us access, and to narrow our military options and strategic choices.

At the same time, insurgents or militias are acquiring or seeking precision weapons, sophisticated communications, cyber capabilities, and even weapons of mass destruc-

tion. The Lebanese extremist group Hezbollah currently has more rockets and high-end munitions—many quite sophisticated and accurate—than all but a handful of countries.

In sum, the security challenges we now face, and will in the future, have changed, and our thinking must likewise change. The old paradigm of looking at potential conflict as either regular or irregular war, conventional or unconventional, high end or low—is no longer relevant. And as a result, the Defense Department needs to think about and prepare for war in a profoundly different way than what we have been accustomed to throughout the better part of the last century.

What is needed is a portfolio of military capabilities with maximum versatility across the widest possible spectrum of conflict. As a result, we must change the way we think and the way we plan—and fundamentally reform—the way the Pentagon does business and buys weapons. It simply will not do to base our strategy solely on continuing to design and buy—as we have for the last 60 years—only the most technologically advanced versions of weapons to keep up with or stay ahead of another superpower adversary—especially one that imploded nearly a generation ago.

To get there we must break the old habit of adding layer upon layer of cost, complexity, and delay to systems that are so expensive and so elaborate that only a small number can be built, and that are then usable only in a narrow range of low-probability scenarios.

We must also get control of what is called “requirements creep”—where more features and capabilities are added to a given piece of equipment, often to the point of absurdity. The most flamboyant example of this phenomenon is the new presidential helicopter—what President Obama referred to as defense procurement “run amok.” Once the analysis and requirements were done, we ended up with a helicopter that cost nearly half a billion dollars each and enabled the president to, among other things, cook dinner while in flight under nuclear attack.

We also had to take a hard look at a number of weapons programs that were grotesquely over budget, were having major performance problems, were reliant on unproven technology, or were becoming increasingly detached from real world scenarios—as if September 11th and the wars that followed had never happened.

Those of you with experience in the technology or manufacturing sectors have at some point probably faced some combination of these challenges in your own businesses. But in the defense arena, we faced an additional, usually insurmountable obstacle to bring rationality to budget and acquisition decisions. Major weapons programs, irrespective of their problems or performance, have a habit of continuing long after they are wanted or needed, recalling Ronald Reagan's old joke that a government program represents the closest thing we'll ever see to eternal life on this earth.

First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.

And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

As a result, many past attempts by my predecessors to end failing or unnecessary

programs went by the wayside. Nonetheless I determined in a triumph of hope over experience, and the president agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

To this end, the president's budget request cut, curtailed, or ended a number of conventional modernization programs—satellites, ground vehicles, helicopters, fighters—that were either performing poorly or in excess to real-world needs. Conversely, future-oriented programs where the U.S. was relatively underinvested were accelerated or received more funding.

For example, we must sustain and continually improve our specialized strategic deterrent to ensure that our—and our allies'—security is always protected against nuclear-armed adversaries. In an initiative little noticed, the President's program includes money to begin a new generation of ballistic missile submarines and nearly \$700 million in additional funds to secure and assure America's nuclear deterrent.

Some of our proposed reforms are meeting real resistance. They are called risky. Or not meeting a certain military requirement. Or lacking in study and analysis. Those three words—requirements, risk, and analysis—are commonly invoked in defense matters. If applied correctly, they help us make sound decisions. I've found, however, that more often they have become the holy trinity of the status quo or business as usual.

In truth, preparing for conflict in the 21st century means investing in truly new concepts and new technologies. It means taking into account all the assets and capabilities we can bring to the fight. It means measuring those capabilities against the real threats posed by real world adversaries with real limitations, not threats conjured up from enemies with unlimited time, unlimited resources, and unlimited technological acumen.

Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F-22 fighter jet. We had to consider, when preparing for a future potential conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy? For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance, and surveillance missions as well as deliver precision-guided bombs and missiles. The president's budget request would buy 48 of the most advanced UAVs—aircraft that have a greater range than some of our manned fighters, in addition to the ability to loiter for hours over a target. And we will buy many more in the future.

We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F-35 Joint Strike Fighter. The F-35 is 10 to 15 years newer than the F-22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F-22, and can be produced in quantity with all the advantages produced by economies of scale—some 500 will be bought over the next five years, more than 2,400 over the life of the program. And we already have eight foreign development partners. It has had development problems to be sure, as has every advanced military aircraft ever fielded. But if properly



supported, the F-35 will be the backbone of America's tactical aviation fleet for decades to come if—and it is a big if—money is not drained away to spend on other aircraft that our military leadership considers of lower priority or excess to our needs.

Having said that, the F-22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F-22, to be blunt, does not make much sense anywhere else in the spectrum of conflict. Nonetheless, supporters of the F-22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F-22s to go after Somali pirates who in many cases are teenagers with AK-47s—a job we already know is better done at much less cost by three Navy SEALs. These are examples of how far-fetched some of the arguments have become for a program that has cost \$65 billion—and counting—to produce 187 aircraft, not to mention the thousands of uniformed Air Force positions that were sacrificed to help pay for it.

In light of all these factors, and with the support of the Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F-22s and recommended as such to the president.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F-22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

Consider that by 2020, the United States is projected to have nearly 2,500 manned combat aircraft of all kinds. Of those, nearly 1,100 will be the most advanced fifth generation F-35s and F-22s. China, by contrast, is projected to have no fifth generation aircraft by 2020. And by 2025, the gap only widens. The U.S. will have approximately 1,700 of the most advanced fifth generation fighters versus a handful of comparable aircraft for the Chinese. Nonetheless, some portray this scenario as a dire threat to America's national security.

Correspondingly, the recent tests of a possible nuclear device and ballistic missiles by North Korea brought scrutiny to the changes in this budget that relate to missile defense. The risk to national security has again been invoked, mainly because the total missile defense budget was reduced from last year.

In fact, where the threat is real or growing—from rogue states or from short-to-medium range missiles that can hit our deployed troops or our allies and friends—this budget sustains or increases funding. Most of the cuts in this area come from two programs that are designed to shoot down enemy missiles immediately after launch. This was a great idea, but the aspiration was overwhelmed by the escalating costs, operational problems, and technological challenges.

Consider the example of one of those programs—the Airborne Laser. This was supposed to put high-powered lasers on a fleet of 747s. After more than a decade of research and development, we have yet to achieve a laser with enough power to knock down a missile in boost phase more than 50 miles from the launch pad—thus requiring these huge planes to loiter deep in enemy air space to have a feasible chance at a direct hit. Moreover, the 10 to 20 aircraft needed would cost about \$1.5 billion each plus tens of millions of dollars each year for maintenance

and operating costs. The program and operating concept were fatally flawed and it was time to face reality. So we curtailed the existing program while keeping the prototype aircraft for research and development.

Many of these decisions—like the one I just described—were more clear-cut than others. But all of them, insofar as they involved hundreds of billions of dollars and the security of the American people, were treated with the utmost seriousness by the senior civilian and military leadership of the Pentagon. An enormous amount of thought, study, assessment, and analysis underpins these budget recommendations including the National Defense Strategy I issued last summer.

Some have called for yet more analysis before making any of the decisions in this budget. But when dealing with programs that were clearly out of control, performing poorly, and excess to the military's real requirements, we did not need more study, more debate, or more delay—in effect, paralysis through analysis. What was needed were three things—common sense, political will, and tough decisions. Qualities too often in short supply in Washington, D.C.

All of these decisions involved considering trade-offs, balancing risks, and setting priorities—separating nice-to-haves from have-to-haves, requirements from appetites. We cannot expect to eliminate risk and danger by simply spending more—especially if we're spending on the wrong things. But more to the point, we all—the military, the Congress, and industry—have to face some iron fiscal realities.

The last defense budget submitted by President George W. Bush for Fiscal Year 2009 was \$515 billion. In that budget the Bush administration proposed—at my recommendation—a Fiscal Year 2010 defense budget of \$524 billion. The budget just submitted by President Obama for FY 2010 was \$534 billion. Even after factoring inflation, and some of the war costs that were moved from supplemental appropriations, President Obama's defense request represents a modest but real increase over the last Bush budget. I know. I submitted them both. In total, by one estimate, our budget adds up to about what the entire rest of the world combined spends on defense. Only in the parallel universe that is Washington, D.C., would that be considered "gutting" defense.

The fact is that if the defense budget had been even higher, my recommendations to the president with respect to troubled programs would have been the same—for all the reasons I described earlier. There is a more fundamental point: If the Department of Defense can't figure out a way to defend the United States on a budget of more than half a trillion dollars a year, then our problems are much bigger than anything that can be cured by buying a few more ships and planes.

What is important is to have a budget baseline with a steady, sustainable, and predictable rate of growth that avoids extreme peaks and valleys that are enormously harmful to sound budgeting. From the very first defense budget I submitted for President Bush in January 2007, I have warned against doing what America has done multiple times over the last 90 years by slashing defense spending after a major conflict. The war in Iraq is winding down, and one day so too will the conflict in Afghanistan. When that day comes, the nation will again face pressure to cut back on defense spending, as we always have. It is simply the nature of the beast. And the higher our base budget is now, the harder it will be to sustain these necessary programs, and the more drastic and dangerous the drop-off will be later.

So where do we go from here? Authorization for more F-22s is in both versions of the

defense bill working its way through the Congress. The president has indicated that he has real red lines in this budget, including the F-22. Some might ask: Why threaten a veto and risk a confrontation over a couple billion dollars for a dozen or so planes?

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

And, with regard to something like the F-22, irrespective of whether the number of aircraft at issue is 12 planes or 200, if we can't bring ourselves to make this tough but straightforward decision—reflecting the judgment of two very different presidents, two different secretaries of defense, two chairmen of the joint chiefs of staff, and the current Air Force Secretary and Chief of Staff, where do we draw the line? And if not now, when? If we can't get this right—what on earth can we get right? It is time to draw the line on doing Defense business as usual. The President has drawn that line. And that red line is a veto. And it is real.

On a personal note, I joined CIA more than 40 years ago to help protect my country. For just about my entire professional career in government I have generally been known as a hawk on national security. One criticism of me when I was at CIA was that I overestimated threats to the security of our country.

Well, I haven't changed. I did not molt from a hawk into a dove on January 20, 2009. I continue to believe, as I always have, that the world is, and always will be, a dangerous and hostile place for my country with many who would do America harm and who hate everything we are and stand for. But, the nature of the threats to us has changed. And so too should the way our military is organized and equipped to meet them.

I believe—along with the senior military leadership of this nation—that the defense budget we proposed to President Obama and that he sent to Congress is the best we could design to protect the United States now and in the future. The best we could do to protect our men and women in uniform, to give them the tools they need to deter our enemies, and to win our wars today and tomorrow. We stand by this reform budget, and we are prepared to fight for it.

A final thought. I arrived in Washington 43 years ago this summer. Of all people, I am well aware of the realities of Washington and know that things do not change overnight. After all, the influence of politics and parochial interests in defense matters is as old as the Republic itself. Henry Knox, the first secretary of war, was charged with building the first American fleet. To get the support of Congress, Knox eventually ended up with six frigates being built in six different shipyards in six different states.

But the stakes today are very high—with the nation at war, and a security landscape steadily growing more dangerous and unpredictable. I am deeply concerned about the long-term challenges facing our defense establishment—and just as concerned that the political state of play does not reflect the reality that major reforms are needed, or that tough choices and real discipline are necessary.

We stand at a crossroads. We simply cannot risk continuing down the same path—where our spending and program priorities are increasingly divorced from the very real threats of today and the growing ones of tomorrow. These threats demand that all of

our nation's leaders rise above the politics and parochialism that have too often plagued considerations of our nation's defense—from industry to interest groups, from the Pentagon to Foggy Bottom, from one end of Pennsylvania Avenue to the other. The time has come to draw a line and take a stand against the business-as-usual approach to national defense. We must all fulfill our obligation to the American people to ensure that our country remains safe and strong. Just as our men and women in uniform are doing their duty to this end, we in Washington must now do ours.

Mr. MCCAIN. Madam President, I am a student of history, and there is one particular President whom I have grown, along with historians, to appreciate more and more for his two terms as President of the United States; that is, Dwight David Eisenhower. We were at peace during President Eisenhower's term, and many believe that perhaps the war in Vietnam might have been avoided if we had heeded his wise counsel. There are many things President Eisenhower did to contribute to this Nation both in war and in peace.

On several occasions, I have reread his farewell speech of January 17, 1961. In his speech, President Eisenhower said:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

He also said:

To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle with liberty at stake.

I would only add to President Eisenhower's farewell address to the Nation—which is compelling in many ways—that the words should be changed from “military-industrial complex” to “military-industrial-congressional complex.”

What we are seeing here, with the advice and counsel of our President, of our Secretary of Defense, of our uniformed military, with rare exception, is a recommendation that we stop with this aircraft and build another—not that we stop building fighter aircraft for our inventory, not that we stop defending this Nation with weapons systems we need. We are even defending a weapons system's continued production that has never flown in the two wars in which we are engaged.

So I urge my colleagues to understand the impact of this amendment. If we are able to succeed, it is going to send a signal that we are stopping business as usual, and we must move forward providing the men and women with the necessary means to win the

struggles we are in throughout the world, especially two wars. So I urge my colleagues to understand that sacrifices will be made. Jobs will be lost. It will cause disruption in some communities. But our first obligation is the defense of this Nation and the use of scarce defense dollars in the most effective fashion.

I urge my colleagues to vote in favor of this amendment.

Madam President, I yield the floor.

Mr. DODD. Madam President, I have 2 minutes; is that correct?

The PRESIDING OFFICER. Correct.

The Senator from Connecticut.

Mr. DODD. Madam President, first of all, let me begin where I did a few moments ago; that is, with my great respect for CARL LEVIN and JOHN MCCAIN and for their work in this area.

Let me begin with a point my friend from Arizona has made. There is nothing more important than the national security of our Nation. It is that very argument which brings those of us on this side of the table in support of this program and in opposition to this amendment.

This program is a critically important program to maintain superiority—not parity but superiority—which has always been our goal in protecting our national security interests. It was the very Pentagon itself which advocated we move forward with this program only 36 months ago. Obviously, people can change their minds. But over the months, when they were preparing for the needs of our Nation, it was the Commission on the Future of Aerospace, authorized by this Congress, which concluded the following. They said that “the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce,” adding that “the breakdown of America's intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader.”

It was the Pentagon, only 36 months ago in their Quadrennial Review, that said the following—and they said in this report—that: The F-22 production should be extended through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation stealth capabilities.

There are reports that the F-35 could be delayed an additional 11 months—what we have already heard about. That creates a gap of 5 years that we are talking about. The danger of losing not just any jobs, anywhere from 25,000 to 90,000 aerospace workers is not insignificant.

Four days ago, we were warned there has been in excess of a 15-percent decline in our industrial capacity in the aerospace industry. This will hit us even further. The ability to have a workforce capable of building these aircraft we need in the 21st century is at risk. That is why the issue not only of the technical capability of the air-

craft but the workforce to produce it is at stake with this amendment. And I say that respectfully. But we have this gap in production, which we have been warned about now by the Pentagon—not by the industry itself, by the Pentagon, by the very Commission this Congress authorized to determine what our capacities were and the industrial capacity in aerospace. We are defying both reports and both recommendations by canceling this program at this number and placing at risk the future generation of superior aircraft that we need in the 21st century.

So again, Madam President, I urge my colleagues, respectfully, to reject this amendment. There is a compromise, in my view, available to end up with a number far less than the originally projected numbers. But to cancel the program prematurely and create the gap in our production capabilities is a great danger for our Nation, not to mention these jobs which are critically important to our Nation and its future.

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Five minutes 45 seconds.

Mr. LEVIN. Madam President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I commend the leaders of the committee. I also commend Senator CHAMBLISS and Senator DODD for their Herculean efforts here to try to stave off the closure of the line. I try to put myself in the shoes of others when I take a position on an issue. What I say comes from the heart and not because of a lack of respect for the efforts they have shown in support of their constituents.

We have just come out of 8 years where we have seen our national debt double. We have incurred as much new debt for our country over the last 8 years as we did in the previous 208 years. We are looking, this year, at a 1-year deficit higher than any in the history of our country. It is believed to be well over \$1 trillion.

If you go back to 2001 and look at the cost overruns for major weapons systems, in 2001 it was about \$45 billion. Last year, that number had grown to almost \$300 billion. We say to our folks who are running the Pentagon, the Department of Defense: Tell us which weapons systems you need and those you do not. And Secretary Gates has said very clearly, as Gordon England did as well, his deputy, and the last President and this President: We do not need more F-22s. We have F-15s. We have F-16s. We have F-18s. Before too many more years, we will have about 2,500 F-35s.

My hope is we will be smart enough—if people are displaced, if the F-22 is

not continued in production—my hope is we will be smart enough, since Lockheed has a role in building the F-35, some of the folks—hands that can build an F-22 can certainly help build F-35s. I would hope that would be the case.

The last thing I would ask everyone to keep in mind—as an old naval flight officer, I used to think about and I still think about how much it costs to fly an aircraft for an hour. It is anywhere from \$20,000 to \$40,000 for the F-22. It is just too much money.

Thanks very much.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Madam President, in terms of the alleged gap, there is no gap. The QDR said we should be building fighters, F-22 production, into fiscal year 2010. As a matter of fact, what we are now doing is exceeding that production with F-35s. We have 30 F-35s in this fiscal year 2010 budget. There is no gap in fighter production.

As to whether the F-35 is a capable fighter, let me just read from what Secretary Gates says:

The F-35 is 10 to 15 years newer than the F-22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F-22. . . .

The F-22 is costing an awful lot more than has been represented here because they are asking now, if this amendment is defeated, that we would be spending \$1.75 billion for seven F-22s, which is approximately \$250 million a copy for the ones the opponents of this amendment want to build this year.

The President of the United States, the last President of the United States, the previous one; two Secretaries of Defense, this one and the previous one; two Chairmen of the Joint Chiefs of Staff, and the Secretary of the Air Force and the Chief of Staff of the Air Force say it is time to end production of the F-22 to move into greater production of the F-35 which will serve three services, not just one. If not now, when? If not now, when? When will we end production of a weapons system, if not now, when we have both President Obama and President Bush trying to end it, Secretaries of Defense trying to end it, Chairmen of the Joint Chiefs trying to end the production of the F-22? We must now do what is sensible, that which is requested by Secretary Gates, not because he is saluting the Commander in Chief, as has been suggested. He is not just saluting the Commander in Chief; he feels deep in his gut that we must change the way we do business. We must finally bring some of these systems to an end. That is why Secretary Gates so passionately believes we must bring production of the F-22 to an end and move into greater production of the F-35—more F-35s produced in this budget than would be produced of the F-22 if this amendment is defeated.

Madam President, I don't know if there is any more time. If there is, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1469.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—58

Alexander	Gillibrand	Merkley
Barrasso	Graham	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bond	Harkin	Reed
Brown	Johnson	Reid
Burr	Kaufman	Rockefeller
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Shelby
Coburn	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Udall (CO)
DeMint	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Webb
Ensign	Lugar	Whitehouse
Enzi	McCain	Wyden
Feingold	McCaskill	
Franken	Menendez	

NAYS—40

Akaka	Cornyn	Murkowski
Baucus	Crapo	Murray
Begich	Dodd	Risch
Bennett	Feinstein	Roberts
Bingaman	Grassley	Sessions
Boxer	Hatch	Shaheen
Brownback	Hutchison	Snowe
Bunning	Inhofe	Tester
Burr	Inouye	Thune
Byrd	Isakson	Udall (NM)
Cantwell	Johanns	Vitter
Chambliss	Lieberman	Wicker
Cochran	Martinez	
Collins	McConnell	

NOT VOTING—2

Kennedy Mikulski

The amendment (No. 1469) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will make some brief remarks here, and at the conclusion we will determine whether there is an agreement on the other side so I can go ahead and lay down an amendment. But first I want to discuss what that amendment will be. It is amendment No. 1628, and in a moment I will seek to offer it and get it pending. It is an amendment I introduced with Senator LIEBERMAN, Senator BAYH, and Senator MCCAIN.

Like other Members of this body, we have watched recent events unfold in Iran with great concern. This year began with talk of warming ties and potentially reestablishing contact with Iran; that we would no longer be afraid to talk to Iran and perhaps to even reach some kinds of agreements. In recent months, however, the Iranian regime has continued its support of terrorism, its illegal nuclear weapons program in defiance of its NPT obligations, and its engagement in violent and deadly repression of its own citizens.

While the administration has made clear its intention to continue to pursue high-level talks with Iran, an overture which the regime has not seen fit to even respond, the President has indicated that the window for Iran to negotiate and demonstrate progress toward complying with its international obligations is not open indefinitely.

I think President Obama was correct when he said:

Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.

In May, the President indicated that Iran would have until December to show meaningful improvement. More recently, French President Nicolas Sarkozy said on behalf of the G8 nations that they will give Iran until September 2009 to agree to negotiations with respect to its nuclear activities or face tougher sanctions.

If negotiations do not prove fruitful, the United States must be ready to act quickly to increase pressure on Iran to end its support for terrorist groups and its illegal nuclear program.

The Kyl-Lieberman amendment expresses the sense of the Senate that the President should sanction the Iranian Central Bank if, by December, Iran has not verifiably halted its uranium enrichment activities, as well as come into full compliance with the Nuclear Nonproliferation Treaty and the Additional Protocol.

By sanctioning the Central Bank of Iran—Bank Markazi—our Nation would send the message that we will use all methods at our disposal to stop the spread of nuclear weapons and oppose sponsors of terror.

The case against the Iranian Central Bank is strong. It is knee-deep in the regime's illicit activities. Last year, Deputy Secretary of the Treasury Robert Kimmit revealed that between 2001