

long because, with proper early intervention, her sister's conditions would have been treatable.

Anna told me she understands people get sick and die, but the manner in which her sister passed away was tragic because it didn't have to happen.

Over the August recess, I also heard from Rhode Islanders through the health care storyboard I ran on my Web site. Two of the stories are remarkable.

The first is from Ken, a recent Rhode Island College graduate from Greenville. He worked hard, dreaming he would be the first in his family to achieve a college degree. A year after graduation, Ken has that college degree, but he cannot find a full-time job with health insurance benefits. In this difficult economy, he works two part-time jobs at minimum wage, and he has no health benefits.

Ken wasn't looking to make a six-figure salary after graduation, but he was looking to be able to get by. On his current income, he has difficulty making ends meet with his day-to-day expenses, and he says it will take years to pay off his student loans at this rate.

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

Mr. WHITEHOUSE. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Ken is having a hard time making ends meet with his day-to-day expenses, and it will take years to pay off his student loans. On such a limited income and in this situation, health insurance is simply not an option for Ken.

Ken is discouraged and frustrated. Despite his hard work and achievement, he knows that at any moment he is one sickness or injury away from thousands of dollars in debt or ruined credit that would affect his chances for a prosperous future. He has worked for everything he has earned, but health care costs are so high he is scared about his future, if nothing is done to fix our health care system.

Last is Beth, a small business owner in Providence. She and her husband have two full-time and two part-time employees. They find themselves at the whim of insurance companies. Because they don't have the bargaining power to negotiate the terms of their health insurance package, they have seen 41 percent increases in their insurance rates for 2 years in a row.

Beth told me the cost of health insurance is breaking the backs of small entrepreneurs, those critical drivers of innovation and building blocks of our Nation's economy. She doesn't understand how or why anyone would start their own business under the deep financial burdens imposed on small business by our current health insurance system.

Beth also cannot afford health insurance coverage for her twin 3-year-old

girls. Beth admits she is terrified about what might happen to them without the safety net that health coverage offers. She urges us to work quickly toward reform so others do not have to struggle with the same fear and frustration as her family.

The Senate has been working hard on health reform legislation since the very beginning of this year. The process is trying and tiring and extremely complex. As we turn up the heat even more the next few weeks and become mired in the intense process of drafting a final bill and getting it to the floor, I urge my colleagues to remember health care reform is not about the interest groups, it is not about parliamentary procedures, it is not about secret meetings, and it is not about CBO scores. Reforming our health care system in America is about Christine and Tina and Beth and Ken and thousands like them in every one of our States across the country. And it means injecting some fairness and some reason into a system that has punished the sick, rewarded the greedy, and discouraged those who try to do the right thing.

For me, these stories reinforce the urgency of what we need to get done in the Senate. I am fully committed to completing this task, as I know the Presiding Officer is, and I look forward to getting it done over the next few weeks.

In closing, let me just say this is the first time I have spoken on the Senate floor since our colleague, Senator KENNEDY, has left us. His desk is three down from me. I don't know if the camera shows it now, but there is a black drape over it and some flowers and a copy of Robert Frost's "The Road Less Traveled." I know this poem meant a lot to him, and he certainly meant a lot to me as a very gracious mentor with vast experience who could easily have ignored a new colleague. But he took an interest, and I will never forget his kindness to me.

We all will miss his booming voice. He could fill this Chamber with his voice. We will miss his rollicking good humor. No one enjoyed life and enjoyed his colleagues more than the senior Senator from Massachusetts. We will miss his masterful legislative skills as we try to work our way through the obstructions the other side will be throwing up against progress on health care reform. His wise voice and counsel will be missed.

Finally, we will miss his lion's heart. He knew when the fight was right, he knew when it was worth fighting for, and he was in it to win it.

TED, God bless you. We miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

Mr. DORGAN. Mr. President, let me follow on the remarks of my colleague

from Rhode Island as he discussed briefly at the end of his remarks the loss of our colleague and friend, Senator TED KENNEDY.

The desk that is now cloaked in black and adorned with flowers is a desk that was once occupied by Senator John F. Kennedy, then occupied by Senator Robert Kennedy, and for many years occupied by Senator TED KENNEDY.

He was an extraordinary friend to all of us, a remarkable legislator. This is not a case of the Senate just losing one Senator. He was such a much larger presence than that in the public life of our country and particularly in the workings of this Congress.

My thoughts and prayers have been with TED KENNEDY and his family over these many months as he has battled brain cancer. Now, since his death, we have all reflected on what he meant to us and to this country.

Today it seems inappropriate to take the floor of the Senate without at least acknowledging the absence of our friend, TED KENNEDY, and to send our prayers to his family.

WASTE, FRAUD, AND ABUSE IN PUBLIC SPENDING

Mr. DORGAN. Mr. President, when Senator KENNEDY would come to the floor with a booming voice, full of passion about an issue, it was an extraordinary thing to watch and to listen to. He had that kind of passion. I do want to say there are a lot of things for us to be passionate about. One of the things I have talked about on the floor of the Senate is the waste, fraud and abuse in public spending. All of us believe in investing in programs that work to try to help make life better in this country and advance the interests of this country. But it makes me furious to see the kinds of things I see from time to time that represent waste, fraud, and abuse and unbelievable incompetence. Let me describe just one.

We know this not because of some extraordinary work by this body. We know this because of some extraordinary work by C.J. Chivers and Eric Schmitt at the New York Times because they wrote a story about it.

Let me tell you the story, and I am sure it will make every American as angry as it makes me. This is a picture of Efraim Diveroli, a 22-year-old CEO of a firm awarded \$300 million in U.S. contracts to provide armaments, bullets, and guns to the Afghan fighters. That is right. A 22-year-old man using a shell corporation established by his father, working out of a building with an unmarked door in Miami, got \$300 million in contracts from the Department of Defense. He was a CEO. By the way, there is no evidence of any other employees except him and his vice president. Yes, his vice president was older, 25 years old and a massage therapist.

Let me say that again. The Department of Defense gave \$300 million in

contracts to a 22-year-old CEO of a company—a company that was run by a 22-year-old CEO—and a 25-year-old vice president massage therapist.

Why do I tell you this today? Because a new story just recently described the fact that Mr. Diveroli pled guilty to a fraud conspiracy charge relating to the \$300 million in U.S. contracts. He faces up to 5 years in prison.

I have spoken about this man and this circumstance probably three or four times on the floor of the Senate to ask the question: How on Earth could this have happened?

Let me just show, if I might, what this was about. This was about products. No, not staplers or reams of paper. These were killer products, ammunition; ammunition that was supposed to be provided to the Afghan fighters. As it turns out, ammunition that spills out of boxes. Here are some other examples.

In this chart, these are bullets, 40-year-old, Chinese-made cartridges they found somewhere in the world and sent them over to Afghanistan and the Afghan fighters.

Here we can see spilling out of boxes 42-year-old Chinese ammunition that was delivered in Afghanistan from these two folks.

The 22-year-old CEO with whom both the Defense Department and the State Department did business, by the way had previous contracts with the State Department. They were unsatisfactory, and despite that, he got \$300 million in contracts from the Defense Department. This photograph is from 2007. That is when he got the \$300 million in defense contracts. This photograph happens to be a police photograph because he was arrested for assaulting a parking lot attendant. At the time, he was found to have had a forged driver's license which made him out to be 4 years older than he really was. He said he forged the license and didn't need it any longer now that he is 21 because he only wanted to buy alcohol in the first place.

They ran the company, AEY—the 22- and 25-year-olds getting \$300 million in defense contracts after they had gotten contracts with the State Department and judged to be unsatisfactory—out of a building in Miami. It was an unmarked door in a Miami Beach building. That is all you could see. The only evidence that exists suggests that this was a company with just two people.

Mr. Packouz, the 25-year-old massage therapist, has also pled guilty. So both have now pled guilty. I have shown examples of the arms they were supposed to have procured for the Afghan fighters, and when they were delivered, the Afghan fighters called them “junk”—junk—stuff that was made in the 1960s in China.

The way they purchased this so-called junk violated U.S. law in the first place. The New York Times originally published this story. That is when I saw it. That is when I came to the floor of the Senate and asked a

very simple question: How did this happen? How on Earth could this have happened? Who is minding the store? If the Army had made the slightest effort to look into the backgrounds of Mr. Diveroli and Mr. Packouz, they never would have granted contracts to them.

The award was made in January 2007 by the Army Sustainment Command. On May 7, 2008, I met with Army LTG William Mortensen to find out why on Earth they gave contracts in this circumstance. Mr. Mortensen was a three-star general, Deputy Commander of the Army Materiel Command, which commanded authority over the Army Sustainment Command. They had awarded this contract. General Mortensen has since retired. He was completely unapologetic about this, by the way. He said the Army contracts were with companies, not individuals, and on paper the Diveroli company looked just fine.

Of course it didn't because they had not looked at the paper. Had they looked at the State Department with which that company previously contracted, they would have found out this is nobody with whom to contract. He told me nobody in the Army had thought to look through the background of Mr. Diveroli and Mr. Packouz, even though this was a company which consisted, as we know, of just two people. He told me, under similar circumstances, the Army would probably make the same decision again and give contracts to such people again. Then he told me if Mr. Diveroli and Mr. Packouz were acquitted, the Army would go back to doing business with them.

If General Mortensen had wanted to know a little bit about with whom they were doing business to the tune of hundreds of millions of dollars he could have gone to MySpace. Mr. Diveroli had a page on MySpace. He describes himself as a super nice guy. He said on MySpace:

I had problems in high school so I was forced to I work and probably grew up way too fast.

He said:

Basically I'm just chilling with my boys.

And he likes to go clubbing and see movies.

He could have checked, of course, more than MySpace.

He could have checked perhaps a criminal record and found he had been charged with domestic violence and with drunk driving. He could have Googled his name and discovered the vice president, in addition to being a massage therapist, was a professional song writer.

With these kinds of backgrounds, I am just wondering, where is there accountability? Where is the accountability? I understand that because two enterprising reporters for the New York Times broke this story, and we probably would not know it now because this did not come from oversight hearings, it did not come from a Truman committee we should have in this

Chamber investigating these things, but it was enterprising reporting that did this. I understand that. So because of that, we have a couple of people charged criminally.

The question I ask is, where is the accountability in the Department of Defense for deciding they are going to move \$300 million through the hands of these two? Who did that? Who is responsible? Were they asked to account for it and to answer for it to the American taxpayers and the government for which they worked?

The answer is no, and that is what is wrong, and it is why I come to the Senate floor to recite this again. There is some good news. Finally, we have criminal charges that have been adjudicated, and the fact is, two people have pled guilty. But will this be happening today somewhere in the Pentagon? Will it? Did it happen with water that was sent by a contractor to all the military bases in Iraq, the non-potable water that has more contamination than raw water from the Euphrates River? Did it happen there? The Army said no. The inspector general, at my request, investigated and said, yes, it did happen.

I can go on at length about dozens and dozens of similar circumstances. The question is, who is accountable for the spending of this money? Who has been made to be accountable? Who had to answer for it?

I ask the Secretary of Defense and others: Is there somebody made accountable for this situation? I understand there is criminal accountability for these two people. But is there accountability for the people who decided to employ them, despite all the evidence that this made no sense for our country?

I ask that question for a very important reason. We are going to have a debate about Afghanistan. I have very strong feelings about that issue as well. What we are seeing now is more and more contracting being done in Afghanistan just as the ratcheting up of contracts occurred in Iraq. More and more and more contracting. Who is minding the store? What kind of oversight can we expect? Or will we a week from now, a month from now, or a year from now read another story by a couple of good reporters who dug it out to say something happened that is unbelievable and the American people got defrauded to the tune of millions of dollars or, in this case, hundreds of millions of dollars.

All of us have responsibility at this point to make accountable those who allowed this sort of thing to happen and not just in this case. I have done 20 hearings now as chairman of the Policy Committee, which have helped to unearth a great amount of evidence of waste, fraud and abuse.

Well, I know my colleague in Oklahoma is patiently waiting, and I wish to give him an opportunity to speak. I only want to say this. This is a conclusion with criminal charges and guilty

pleas with respect to this issue, which I think is a metaphor for a much larger set of problems that we in the Congress and in the administration have a responsibility to address and to address soon. This issue of big Federal budget deficits is very real. They are unsustainable and dangerous. One of the ways to deal with them is to tighten our belts and start cutting spending where spending is being wasted. This was an unbelievable waste of the taxpayers' money, and my hat is off to the reporters who discovered it. I have been following it now for a couple years on the floor of the Senate, and at least I am able to say guilty pleas have been received.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been here this afternoon and hope to get a little more time than we are getting. Right now we are into the final debate on the vote that will take place at 5:30. The Senator from Nevada, Senator ENSIGN, has agreed to let me have 10 minutes, so I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. DORGAN. Mr. President, could we point out that we are to go to the bill at 4:30. I discussed with my colleague that we have 30 minutes on each side on the bill, and if we could go to the bill and then have my colleague speak on that portion of the bill, I think that would be the right approach.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

ISSUES FACING THE SENATE

Mr. INHOFE. I thank the Chair.

Well, first of all, I had a few stories I was going to tell about my very good friend who is deceased now, Senator KENNEDY, and if there is time before my time expires I will get into that. I have a feeling more will take place on that tomorrow or later on tonight.

Let me mention one thing because I think it is so fresh on our minds now, having come back from the August recess. I did my town meetings in smaller communities in Oklahoma. I was in Stigler, Coweta, Chickasha, Grove, Woodward, Guymon, McAlester, and Lawton. I did this because so many times smaller communities are left out, and I wanted to know what kind of response they had. I made the comment when I was in Grove, OK, that the very institutions that have historically set America aside from the rest of the world are the ones that seem to be under attack by this administration. I am talking about free enterprise, talking about the fact of little government, big people, and all these things.

Since the junior Senator from Oklahoma, Mr. COBURN, is one of the two medical doctors in the Senate, I de-

cided to talk about the other issues. My fear is this: There was concern about socialized medicine. Everyone is concerned about what this President wants to do with the health issues in America, but we are forgetting there are other very serious issues. So I covered these, as opposed to the health problems, because these are things we are going to be dealing with in the Senate in the next few days or weeks, and they are very significant.

One of them is the cap-and-trade issue that we have talked about at some length, and I will get into that in a minute; the other is the closing of Guantanamo Bay Naval Station, or Gitmo as it is known to most people, and the other is what has happened to our military. So let me, real briefly, get into these areas. These are three areas where I will be providing leadership. These are the areas of specialty I have and I am very much concerned about.

First of all, I positioned myself in Afghanistan in February, when Secretary of Defense Gates came out with his announcement as to the portion of the President's budget dealing with defense because I knew I was going to be opposed to it, and I thought that would give me a national forum, and it did. I was concerned about such things as the F-22. Right now, the only fifth-generation fighter we have is the F-22. Initially, we were going to have 750 of them. We now have 187, and the President, in his budget, stopped it right there. He didn't say terminate, but I will use the word "terminate," because when you suspend something for an undetermined period of time, I think it is terminated.

At the same time that happened, we know that China is now working on their J-12s and Russia on their PAK-FAs. These are fifth-generation fighters they are going to be using to export to countries that could be potential enemies of ours. I have looked at the C-17 program—stopping that program—the future combat system. We haven't had in America a transition in ground capability in quite some time—about 60 years. So we have been working on the future combat system. That system has been terminated.

I think the one that probably has the greatest danger on the lives of Americans could probably be the system we had negotiated with the Parliaments of Poland and the Czech Republic. The Czech Republic was asked if they would agree to have a radar system to see any kind of incoming missile which might have been coming from Iran, and they agreed to do that. Then Poland agreed to have an interception capability that would knock down such a missile coming from Iran. I don't think there is anyone in America who doesn't realize that Iran is going to have their nuclear capability and delivery systems just as soon as they can. For the sake of Western Europe and the Eastern United States, I think it is critical we put ourselves in a position to have that capa-

bility. Well, he stopped that. So we will be talking about that for quite some time.

Gitmo. I think most people realize now that Guantanamo Bay is an asset we have had since 1903. It has all kinds of capabilities. It is the only place in the world you can put terrorist detainees where you can have a facility built for them—some seven degrees of security. We have a system there where we use military tribunals. I will never understand why President Obama is obsessed with bringing these detainees into the United States either for trial or for incarceration. For a trial, it would be the worst plan in the world because, by definition, a terrorist trains people to become terrorists. We don't need to have terrorists in our prison system teaching other people how to become terrorists.

Some of the places the President talked about sending them included my State, at Fort Sill. We will talk about that maybe some other time. But I do think, when we see just a matter of days ago, the release of Mohammed Jawad from Gitmo, nobody knows—or at least I don't know, and I should know, being the second-ranking member on the Armed Services Committee—why he would be released. We also know Mullah Zakir, who was killing American marines in the Helmand Province for quite some period of time, was released and is now back. He went into Gitmo in 2006, they released him in 2008, and he is back. Now we have received evidence that is conclusive that he is fighting on the side of the Taliban. So you can't turn these guys loose.

The third area I was concentrating on is one I will go back to 8 years ago. Redemption is kind of good for the soul, I think, because 8 years ago I was looking at the science on the notion that manmade gases—anthropogenic gases, CO₂, methane—caused global warming. It was something everybody believed. Until I looked into the science, frankly, I believed it too. Now we see the science is not there. I made the statement 8 years ago that perhaps those liberals—mostly from Hollywood and that type of mentality—who want us to believe in the notion that manmade gases cause global warming is the most significant hoax ever perpetrated on the American people. I think now there are a lot fewer people today who are upset with the statement I made 8 years ago than there were then. This is something that is critical.

I wish to conclude with that, but first of all I wish to mention that there is a document that is too long to put in the RECORD. It is some 65 pages. I will have it on my Web site. This is a brave paper done by Robert P. Smith. He has a Ph.D., he is a petroleum engineer, and he talks about the energy crisis and what we can do in the United States to resolve that energy crisis—such commonsense things as continuing to conserve, to continue to support the free market, to oppose the cap-and-trade