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Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal spirit, You are the ''ancient of days,'' yet the ever new God. Thank You for Your mercy and faithfulness. As the dew refreshes the Earth, so You restore us each day to newness of life.

Sustain our lawmakers today in their labors. Give them guidance and inspiration to focus on issues that truly matter. Give them the wisdom to meet needs, solve problems, and lift burdens. May the talents possessed by the Members of this legislative body help in the awesome task of making the world better. Lord, to those who are given the responsibility of seeking the ways of peace, give creative stamina equal to this difficult task. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today. The time is not divided by the majority or minority; people can come and speak whenever they choose.

I am hopeful today some of the remaining pending amendments to the 9/11 legislation can be disposed of by voice vote. If that is not the case, then 10 amendments remain in order for rollcall votes during tomorrow's session. Under an agreement entered into last week, once we have disposed of those amendments and the substitute, we will proceed to vote on passage of S. 4.

Members are on notice there will be a couple of rollcall votes in the morning prior to the Senate recessing for respective party conferences.

It is my intention to move to proceed to S.J. Res. 9, which is a joint resolution regarding Iraq, and I will file cloture on that motion hopefully tonight, setting up a cloture vote for Wednesday morning.

IRAQ

Mr. REID. Mr. President, on January 11, 2 months ago—it seems incredible it has been that long ago, but it has been—President Bush announced his new war plan, the so-called surge. At that time, administration officials gave the American people the strong impression the President's plan would require the temporary—temporary—deployment of 21,500 new troops in Iraq. During the last several days, news reports confirm this new plan was nothing more than a bait and switch, a new name for an old, failed policy.

First we learned that 21,500 troops cited by the President did not include support in other elements and the true number of additional troops associated with his proposal could have been as many as 40,000 troops. Then, over the weekend, we learned two other troubling facts about the President's plan.

In the wake of continued violence in Iraq that prompted one of our top generals there to call for more troops, the American commander in Iraq, General Petraeus, made it clear still more troops are needed. Even more disconcerting, according to a recent New York Times report:

Military officials in Iraq have indicated they would need a large American troop presence for at least a year and probably for longer to achieve lasting stability.

President Bush is not surging; he is sustaining his failed policy. The consequences of the President's flawed policy in Iraq are staggering. Yesterday, three more American troops were killed. We are fast approaching 3,200 dead Americans. We may be there; last count was 3,195. More than 25,000 now have been wounded. It has stretched our military, it has eroded our veterans health care system, and plunged Iraq deeper and deeper into chaos. No matter how one looks at it, America is less safe today because this President has waged war in Iraq. We must change course, and it is time for the Senate to demand he do it.

Soon, the Senate will again have that opportunity to tell the President to change course. We have been blocked in efforts to have the debate on Iraq.

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

Last week we offered the Republicans yet another opportunity to debate. It is my hope they will agree to this debate on Wednesday morning.

I appreciate very much the Republican leader voting for cloture. We are going to finish that bill tomorrow.

It is my hope they will agree to this debate so we can complete this important work; that is, the 9/11 bill, and then turn our attention to the war.

America is losing about 20 soldiers a week, about 3 a day, and spending $280 million a day in Iraq. It is a downward spiral that will continue unless the Senate joins the American people in demanding a new direction in Iraq.

The war hangs over all we do in the Senate this year. Even if we debate this week, we will not be done. We are getting something from the House on the supplemental and we will return to this issue of the supplemental, very likely, and we will continue until there is a change of course. There is very much work to do—the priorities everyone knows about, such as immigration, stem cell; we have the budget ahead of us. There are also issues such as the crisis in the judiciary and the intelligence authorization bill, that will demand our attention in the weeks ahead. I hope we can promptly complete action on the 9/11 bill tomorrow, and I am confident we will do that. We have so much to do.

There is a lot of negativity about what we do here in the Senate, but when you sort through all of it, and I recognize the war in Iraq is hanging over everything we have done—but when you look at what we have done these past few weeks in the history of the 110th Congress, we have done OK. We have been able to do the work on ethics and lobbying. We have done the minimum wage bill. We completed the continuing resolution and we are going to complete 9/11 legislation soon. It appears we are going to be able to do the reform of the Attorney General's problems that have been so much in the press recently. We have confirmed the only appellate court judge who has been brought to the floor. We hope to do another one within the next week or so. We now have another one on the calendar, so we will do that. The Judiciary Committee has three over there they are looking at now. I know the distinguished Republican leader is very concerned about moving appellate judges. We are going to do our best to cooperate with him in that regard.

Simply in closing my remarks today, I recognize we have a difficult situation with Iraq. Sometimes we need to sort through all that and recognize we have been able to accomplish a lot, and it has been done—the only way it can get done—on a bipartisan basis. We have had a few bumps in the road, but if we are patient and willing to recognize there will be bumps in the future, even having both sides not hold any grudges—legislative grudges, at least—I think we have the ability to do a lot more in this Congress.

RECOGNITION OF THE MINORITY LEADER

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

WAR ON TERROR

Mr. MCCONNELL. Mr. President, we are fortunate it has been almost 6 years since we have been attacked here at home. There is only one reason for that: We have been on the offense in Afghanistan and in Iraq. A lot of the terrorists who murdered over 3,000 of our innocent civilians in New York on that fateful day are dead. Others of them are incarcerated in Guantanamo Bay, and many others are on the run and dodging our military. That part of the war on terror has been an extraordinary success.

Iraq has not come together in terms of the Government as quickly as we had hoped, and Afghanistan is still a challenge. But I wonder if our good friends on the other side of the aisle have any answers to the question: What happens if we precipitously leave? I gather the most recent—in fact, the 17th—different version of Iraq resolutions we are going to see later this week anticipates basically telling the enemy a date on which we will depart. I can remember when most of our friends on the other side of the aisle thought that was a bad idea, but I gather their views must be evolving as to what kind of strategy might be helpful. One thing is clear: If we announce to the enemy when we are leaving, they will come back on that day.

So we will have another Iraq debate this week, and as the majority leader indicated, there will be yet another Iraq debate when the supplemental is before us in a few weeks. This is a debate we are more than willing to engage in.

I would say to the majority leader, as I indicated last week, it would have been possible, I think, to have gotten a unanimous consent agreement to deal with the stem cell issue in a rather short period of time had we chosen to take up another issue that was in the six in 2006 list of commitments the new Democratic majority made to the American people. Having said that, I will be in discussions with the majority leader today and tomorrow about how we might go forward on the Iraq debate. It is certainly his prerogative as the leader of the majority to determine what issue we proceed to, and he and I will meet later today and be discussing that today and tomorrow.

As far as the 9/11 bill is concerned, I supported cloture on that bill. We are anxious to go on and finish it and we should be able to do that after lunch tomorrow.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for about 15 minutes.

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

PROGRESS IN IRAQ

Mr. KYL. Mr. President, for weeks, I have been coming to the floor to discuss the signs of progress we are beginning to see as the military implements our new strategy in Iraq. Recent developments are encouraging. They include the following:

First of all, the Iraqi Cabinet approved a national oil compact, which is the beginning of a resolution of what to do with the revenues that are produced from the oil that is produced in Iraq. It is a vital step in ensuring a united Iraq, and Prime Minister Maliki called it a ''gift to all of the Iraqi people.'' This is expected to be approved by the Iraqi legislature this spring.

Next is the capture recently of Abu Omar al-Baghdadi, the leader of al-Qaida in Iraq, the successor to al-Zarqawi, in the western outskirts of Baghdad. This represents a continuing increase in the number of terrorist chiefs who have been killed or captured.

Just last week, the Iraqi neighbors meeting was held. It generated a lot of press because both U.S. and Iranian representatives were present. It involved all 16 nations involved in the conflict. It was the neighbors of Iraq, as well as countries such as Great Britain and the United States. It was the largest meeting of foreign countries in Iraq since the summit meeting of the Arab League members in March of 1990. There were working groups established to work on various problems all the countries had—for example, refugees from Iraq who have gone into Syria or Jordan. A special working group was created to try to deal with that issue.

This represents a step forward, all of which illustrates the fact that not only is the new strategy being implemented a military one but it involves diplomatic and economic and political factors as well.

It was interesting that the Prime Minister toured Baghdad to illustrate the security part of the new strategy that is beginning to work. He had been largely confined to the relatively safe Green Zone, as it is called, but on Sunday, he was able to go outside the wire to tour a power station, visit with police, and shake hands with ordinary Baghdad citizens. He attributed his newfound freedom of movement to the success of the Baghdad security plan, and he committed to redouble his efforts, saying: This operation will be accelerated at all levels in numbers and weaponry; we will not back down.

You have also seen successes in places such as Sadr City, where it is pretty clear that the Shiite militias have decided to stand down and not contest the Iraqi and American forces.

In fact, at the conclusion of my remarks, I will have printed in the RECORD two newspaper articles. One was written for the Washington Post on March 11, called ''The 'Surge' is Succeeding,'' by Robert Kagan. While the leaders in Iraq are not yet willing to publicly say the surge is succeeding, clearly evidence of that is on the ground, and at least the media—journalists—are entitled to conclude from what is happening that it is succeeding.

I was in Iraq a couple of weeks ago and was briefed by General Odierno and General Petraeus, as well as others. They all were cautiously optimistic that things were looking better on the ground. They just wanted to caution that there would be good days and bad; that the enemy has a say in this and they will strike back, certainly, all they can. And if the administration were to claim too much in the way of success too early and there was some kind of event that resulted in a lot of violence, there might be a suggestion that the administration was trying to put too nice a gloss on it. So the administration is trying to downplay the successes. But the reality is that there is news of success.

I think that makes all the more distressing and puzzling the effort by a lot of our colleagues not only to downplay the potential for success there but to develop strategies to undercut that success with resolutions that would micromanage the war from the Senate and, indeed, bind the hands of our commanders and our military as they begin to implement this program.

It is hard for me to fathom the amount of time and energy that has been put into the development of these various resolutions—at last count, some 17 different resolutions—that would, in one way or another, criticize the President's plan or try to find some way to stop it from occurring.

What is further puzzling and distressing is the degree to which this appears to be resulting from political considerations. Another one of the pieces I am going to ask to print in the RECORD is an article from March 12—that is today's Roll Call magazine—in which leaders on the Democratic side are quoted as referring to the political aspects of this strategy to try to get resolutions adopted.

The article talks about the Democratic leader's ''abandoning efforts at crafting a bipartisan deal'' and ''instead look to directly tie Republicans to the unpopular conflict. . . .''

The articles goes on to talk about ''the decision to ratchet up their partisan rhetoric''—''their'' meaning Democratic partisan rhetoric—by a resolution that sets ''specific dates for a mass redeployment of troops in Iraq and creating new restrictions on the war effort,'' and, indeed, that is what the latest resolution of the majority leader would do.

But the article goes on to talk about this ''more aggressive push to tar vulnerable Republicans up for re-election in 2008.'' That is not what we should be all about in debating the war in Iraq and designing solutions to ensure that war can be resolved successfully. It should not be about trying to tar vulnerable Members of the opposition party to diminish their reelection prospects in the year 2008.

The chairman of the Democratic Campaign Committee, the distinguished senior Senator from New York, has, according to this Roll Call article, ''warned that Democrats would use the issue as a bludgeon on Republicans up for reelection next year,'' and they quote him as saying:

> The heat on these Republican Senators that are up in '08 is tremendous.

Adding:

> . . . this is a campaign . . . we are going to keep at [it].

To me, that is an illustration of something very wrong with the Democratic Party's approach to this war. Reasonable people can differ about whether we should be there and how we should conduct the operations once there. But we ought to be able to agree that our responsibility is to provide the funding or to cut it off. The President's responsibility as Commander in Chief is to do his best to see that the mission is achieved. That is what we are sending the troops over there to do. That is what General Petraeus was sent there to do. He was confirmed unanimously by this body a month or so ago.

When I was in Iraq, General Petraeus told us: Please see to it that we have what we need to fulfill our mission. Pass the supplemental appropriations bill to fund our effort and don't tie our hands with micromanagement from the Senate.

This is the message from the person we sent over to do the job. It seems to me this would be the wrong time to pull the rug out from under him and pull the rug out from under the troops just as there are signs of success, as I discussed earlier.

It is interesting, too, that there seem to be so many different approaches to this effort to criticize the President and his plan. I mentioned that at last count there are some 17 different resolutions. Somebody called it the ''Goldilocks'' strategy, with the Democratic leader searching for a solution that is neither too hot nor too cold. The real question is: In the House of Representatives, are they going to lose people on the left or the right or did they get it just right, with sufficient numbers of projects in the supplemental appropriations bill to appeal to those who may not like the end result with respect to the Iraq part of the resolution?

Some have labeled it a ''slow bleed'' because it appears to be a solution that doesn't cut off all the funding for the troops at this moment but, rather, over time makes it impossible for us to succeed.

The resolution, as I understand it, says we have to begin withdrawing our troops by a specific date and complete the withdrawal by another specific date. In the past, there has been a fairly good bipartisan consensus for the proposition that is the worst of all worlds, that you don't want to set a timetable for withdrawal because it gives the enemy precisely what they need to calibrate how long they have to hang in there until you are gone and then they can move in and take over and fill the vacuum. So it is a bad proposition, even apart from the political motivation behind it.

It is worth, taking a look at some of the iterations.

We started with S. 2, a nonbinding resolution, that it wasn't in the national interest of the United States to proceed. That was criticized as being nonbinding.

Then we move on to S. Con. Res. 7 that expressed disagreement with the plan. That didn't have sufficient support, so that was replaced by S. 470, the Levin bill. It expressed disagreement with the strategy but in a form the President would be forced to veto.

Then we moved on to the Reid-Pelosi proposal, S. 574. Not surprisingly, this approach had no more support than the others, and so we then moved on to the Biden-Levin proposal. That bill never even saw the light of day. It wasn't even debated.

Now we are down to S. J. Res. 9, a nonbinding resolution encouraging the President to redeploy all, or almost all, of the troops by the end of 2008. This has been described as a goal, and yet the resolution itself provides that it is much more than that; that the troops would, in fact, have to begin being redeployed and be fully redeployed by the end of March of 2008. I don't think this resolution will pass either because, as I said, most people agree setting a timetable for withdrawal is absolutely the worst thing you want to do, even if you don't agree with the troops being there in the first place.

As I said earlier, the amount of time and effort consumed in trying to craft the perfect Iraq resolution is difficult to square with all the other important business we have to do. The majority

leader, the chairmen of the Armed Services and Foreign Relations Committees, and other important Members of this body have devoted hours and hours to making grammatical edits to this legislation, even though none of it is going to pass.

Frankly, it is a good illustration of why wars should not be micromanaged by Congress. We are not good at conducting wars. That is why we have a Commander in Chief, that is why we have a Joint Chiefs of Staff, that is why we have our military commanders, such as General Petraeus, in whom we have placed a great deal of confidence, who have the experience to conduct these kinds of operations.

I daresay, there are not many of us who have the experience of the distinguished Presiding Officer, and it is important for us not to be armchair quarterbacks when lives are on the line.

Iraq is perhaps the most critical issue facing our country at the moment, and my comments are not meant to suggest that Iraq deserves anything less than a full and fair debate on the floor. It is one thing, however, to have a debate and let each side make its position known and then vote on competing proposals. It is quite another to devote this kind of energy to attempts which appear to be purely political attempts to undercut the President and undercut the mission in Iraq.

I believe the President has chosen a course that has the potential for success. That is why I mentioned at the beginning of my remarks some of the events which have been reported in the media that demonstrate early success. I, frankly, urge my colleagues to turn their energies to find ways to amplify these successes rather than to undercut them.

It is interesting that Lee Hamilton, the chairman of the Baker-Hamilton commission, who has been cited many times by Members on both sides of the aisle, in testimony before the Congress has been insistent that now that the President has laid out a plan, that strategy should have a chance to succeed, that we should give it a chance to succeed.

By the way, even though the President at the time did not indicate what he would be doing specifically, since that report has come out, several of the recommendations have, in fact, been a part of what the administration strategy is following. For example, the strategy of meeting with people in the neighborhood is a followup on one of the Baker-Hamilton recommendations.

I agree with cochairman Lee Hamilton that we should give the strategy in Iraq a chance to succeed and not undercut it at the very moment it appears there are early signs of success with a resolution which, as I said, there had been a bipartisan consensus for that we shouldn't be setting a timetable for withdrawal since that simply plays into enemy hands.

The final document I will ask unanimous consent to be printed in the RECORD when I conclude is a piece from the L.A. Times, dated today, March 12. Headline: ''Do we really need a Gen. Pelosi?'' It refers, of course, to the distinguished Speaker of the House of Representatives, who is supporting the plan that has been put forth in the House of Representatives by the Democratic leadership there. To quote from this L.A. Times.com piece:

> After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw U.S. troops from Iraq by 2008. The plan is an unruly mess: Bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he'll veto it, as well he should.

This comes from the Los Angeles Times, no particular friend of this administration. The Times goes on to say that this kind of micromanagement ''is the worst kind of congressional meddling in military strategy.''

They go on to say:

> By interfering with the discretion of the commander in chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome.

Then they go on to criticize the Speaker and others for trying ''to micromanage the conflict . . . with arbitrary timetables and benchmarks.''

Concluding:

> Congress should not hinder Bush's ability to seek the best possible endgame to this very bad war.

So a paper that does not like the war or support the administration generally, nevertheless, recognizes it should not be micromanaged from the Congress; that if there are any possibilities for it to succeed, we should be following those possibilities.

To sum it up, I simply say this: There is a chance for this strategy to succeed. We should give it a chance to succeed. Early signs are positive. We should not try to micromanage the war from the Congress. Therefore, when these resolutions come before us, we should reject them and allow our military commanders the opportunity that we have asked them to engage in to bring a successful conclusion to this war.

Mr. President, I ask unanimous consent that the articles to which I referred be printed in the RECORD.

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

[From the Washington Post, Mar. 11, 2007]

THE 'SURGE' IS SUCCEEDING

(By Robert Kagan)

A front-page story in The Post last week suggested that the Bush administration has no backup plan in case the surge in Iraq doesn't work. I wonder if The Post and other newspapers have a backup plan in case it does.

Leading journalists have been reporting for some time that the war was hopeless, a fiasco that could not be salvaged by more troops and a new counterinsurgency strategy. The conventional wisdom in December held that sending more troops was politically impossible after the antiwar tenor of the midterm elections. It was practically impossible because the extra troops didn't exist. Even if the troops did exist, they could not make a difference.

Four months later, the once insurmountable political opposition has been surmounted. The nonexistent troops are flowing into Iraq. And though it is still early and horrible acts of violence continue, there is substantial evidence that the new counterinsurgency strategy, backed by the infusion of new forces, is having a significant effect.

Some observers are reporting the shift. Iraqi bloggers Mohammed and Omar Fadhil, widely respected for their straight talk, say that ''early signs are encouraging.'' The first impact of the ''surge,'' they write, was psychological. Both friends and foes in Iraq had been convinced, in no small part by the American media, that the United States was preparing to pull out. When the opposite occurred, this alone shifted the dynamic.

As the Fadhils report, ''Commanders and lieutenants of various militant groups abandoned their positions in Baghdad and in some cases fled the country.'' The most prominent leader to go into hiding has been Moqtada al-Sadr. His Mahdi Army has been instructed to avoid clashes with American and Iraqi forces, even as coalition forces begin to establish themselves in the once off-limits Sadr City.

Before the arrival of Gen. David Petraeus, the Army's leading counterinsurgency strategist, U.S. forces tended to raid insurgent and terrorist strongholds and then pull back and hand over the areas to Iraqi forces, who failed to hold them. The Fadhils report, ''One difference between this and earlier—failed—attempts to secure Baghdad is the willingness of the Iraqi and U.S. governments to commit enough resources for enough time to make it work.'' In the past, bursts of American activity were followed by withdrawal and a return of the insurgents. Now, the plan to secure Baghdad ''is becoming stricter and gaining momentum by the day as more troops pour into the city, allowing for a better implementation of the 'clear and hold' strategy.'' Baghdadis ''always want the 'hold' part to materialize, and feel safe when they go out and find the Army and police maintaining their posts—the bad guys can't intimidate as long as the troops are staying.''

A greater sense of confidence produces many benefits. The number of security tips about insurgents that Iraqi civilians provide has jumped sharply. Stores and marketplaces are reopening in Baghdad, increasing the sense of community. People dislocated by sectarian violence are returning to their homes. As a result, ''many Baghdadis feel hopeful again about the future, and the fear of civil war is slowly being replaced by optimism that peace might one day return to this city,'' the Fadhils report. ''This change in mood is something huge by itself.''

Apparently some American journalists see the difference. NBC's Brian Williams recently reported a dramatic change in Ramadi since his previous visit. The city was safer; the airport more secure. The new American strategy of'' getting out, decentralizing, going into the neighborhoods, grabbing a toehold, telling the enemy we're here, start talking to the locals—that is having an obvious and palpable effect.'' U.S. soldiers forged agreements with local religious leaders and pushed al-Qaeda back—a trend other observers have noted in some Sunni-dominated areas. The result, Williams said, is that ''the war has changed.''

It is no coincidence that as the mood and the reality have shifted, political currents have shifted as well. A national agreement on sharing oil revenue appears on its way to approval. The Interior Ministry has been purged of corrupt officials and of many suspected of torture and brutality. And cracks

are appearing in the Shiite governing coalition—a good sign, given that the rock-solid unity was both the product and cause of growing sectarian violence.

There is still violence, as Sunni insurgents and al-Qaeda seek to prove that the surge is not working. However, they are striking at more vulnerable targets in the provinces. Violence is down in Baghdad. As for Sadr and the Mahdi Army, it is possible they may reemerge as a problem later. But trying to wait out the American and Iraqi effort may be hazardous if the public becomes less tolerant of their violence. It could not be comforting to Sadr or al-Qaeda to read in the New York Times that the United States plans to keep higher force levels in Iraq through at least the beginning of 2008. The only good news for them would be if the Bush administration in its infinite wisdom starts to talk again about drawing down forces.

No one is asking American journalists to start emphasizing the ''good'' news. All they have to do is report what is occurring, though it may conflict with their previous judgments. Some are still selling books based on the premise that the war is lost, end of story. But what if there is a new chapter in the story?

[From Roll Call, Mar. 12, 2007]

REID TO ATTACK ON IRAQ

(By John Stanton and Susan Davis)

With the GOP maintaining a unified front against Democratic efforts to end the Iraq War, Senate Majority Leader Harry Reid (D-Nev.) and other party leaders are abandoning efforts at crafting a bipartisan deal on the issue and will instead look to directly tie Republicans to the unpopular conflict, senior leadership aides said Friday.

The decision to ratchet up their partisan rhetoric followed Thursday's announcement of a joint resolution by House and Senate Democrats setting specific dates for a mass redeployment of troops in Iraq and creating new restrictions on the war effort. Reid is expected to bring the resolution to the floor this week following completion of the 9/11 bill, aides said.

According to Democratic leadership aides, Reid, Democratic Senatorial Campaign Committee Chairman Charles Schumer (N.Y.) and other party leaders hope that a more aggressive push to tar vulnerable Republicans up for re-election in 2008 with the prospect of an open-ended commitment to the war will force enough defections to pass legislation forcing Bush to begin bringing the war to an end.

''If they want to follow Bush over the cliff, that's fine with us,'' one Democratic leadership aide said, adding that Democrats will continue to push the issue between now and the 2008 elections in the hopes of eventually forcing a change in the administration or Congressional Republicans.

Saying Democratic Members ''are close to unanimity in both Houses,'' Schumer accused Republicans of being torn between ''their president who says 'stay the course,' and the American people who demand change'' and warned that Democrats would use the issue as a bludgeon on Republicans up for reelection next year.

''The heat on these Republican Senators that are up in '08 is tremendous,'' Schumer maintained, adding that ''this is a campaign . . . we are going to keep at'' until Reid has enough GOP defections to pass a bill.

According to leadership aides, Democrats have thus far tried to walk a careful line of criticizing GOP opposition to efforts to end the war while not being so harsh as to alienate potential GOP allies. But over the past several weeks ''it's become evident that Republicans have decided to march in lockstep with the president'' and that, at least at this point, a bipartisan solution is unlikely.

As a result, Reid, Schumer and other leaders have decided to pivot to a more confrontational—and partisan—approach starting this week and will attempt to portray opposition to the joint resolution as de facto support for Bush's war plans.

''They have made a politically perilous decision to stand with the president,'' a Democratic aide said, and Reid will attempt to use Bush's low poll numbers and public concern with the war to pressure Republican Members to break ranks.

Senate Republicans, meanwhile, will continue to make the case that Democrats are in disarray on the war and that any efforts to bring about an end to the war amount to a dangerous micromanaging of the war by Congress.

One GOP leadership aide noted that despite early jitters within the Conference, Minority Leader Mitch McConnell (R-Ky.) has done an excellent job of keeping his Members together and in reasserting Republicans' vaunted discipline. ''Part of our strength in this debate has been staying on message'' and not being dragged in to fights over specific Democratic proposals or process questions, the aide said.

But despite their successes in recent weeks, McConnell and other Republicans acknowledge Iraq is a politically perilous issue for them because of its unpopularity with voters.

In an interview with Roll Call reporters and editors Friday, McConnell said Democrats appear intent on keeping the focus on the war, arguing that Democrats' success with the issue in 2006 has convinced many in the new majority that it is ''the gift that keeps on giving.''

He also said that Senate Democrats appear intent on making it a cornerstone of their 2008 campaign strategy. Pointing to the fact that Democrats have proposed some 17 different Iraq resolutions or bills since November, McConnell maintained ''the best evidence of that is that they keep moving the goal post'' on how they want to deal with Iraq.

''Would I like the election to be about something else? You bet,'' McConnell said, arguing that Republicans would have much better terrain in a fight over the economy.

''We are the economic engine of the world in many ways'' but that fact has become lost in public concern over Iraq, McConnell argued. Iraq has ''just put people in a kind of funky mood,'' he lamented.

But even McConnell—one of the White House's staunchest supporters on the war—acknowledged that conditions on the ground must change and that Iraq will need to demonstrate improvements.

''This is the Iraqis' last chance to get it right. . . . They need to show they can govern right now. Not next year. Not this fall. Now. Right now,'' a clearly upset McConnell said.

Meanwhile, unburdened by having to craft their own policy on funding the Iraq War, House Republicans appear to be unified against the supplemental in its current form.

''There is nearly unanimous opposition in the Republican Conference to any proposal that undermines the troops' ability to fight and win the war on terror,'' said Brian Kennedy, a spokesman for Minority Leader John Boehner (R-Ohio). ''Our Members are committed to sustaining a united front against anything short of full and unqualified funding for the troops.''

The House Republican Conference held a special meeting Friday morning to discuss the spending bill. Multiple Members and aides in attendance said almost all of the chamber's 201 Republican lawmakers are prepared to take the potentially risky vote against a war-funding bill.

House Republican leaders are united in opposition, and Appropriations ranking member Jerry Lewis (R-Calif.) also told the Conference he would vote against the measure.

Much of the rank and file are looking to veteran Rep. Bill Young (R-Fla.) for guidance on how to vote. Young is Rep. John Murtha's (D-Pa.) counterpart on the Appropriations subcommittee on Defense and the most senior Republican in the House.

Young told his colleagues Friday that he was—at that point—prepared to vote against the measure. He said he was reluctant to vote against any funding bill for the military, but that the Democratic bill was unacceptable.

However, Young left open the possibility that he could ultimately support the bill if Democrats remove date specific provisions on troop withdrawal. That appears unlikely, as doing so would result in anti-war Democrats voting against the bill.

Rep. Sam Johnson (R-Texas), a Vietnam War veteran and former prisoner of war, gave the most stirring speech at Conference, attendees said. ''He said, 'We need to call this what it is—a piece of crap,' '' recalled a GOP leadership aide.

House Minority Whip Roy Blunt (R-Mo.) was unusually candid in his whip count last week, stating that he expected all Republicans who voted against the mid-February Iraq resolution to oppose the supplemental, ''give or take one or two.''

There were 17 Republicans who voted with Democrats on that resolution, and two Democrats who voted with Republicans. Of those 17 Republicans, several already have indicated they are likely to oppose the supplemental, including GOP Reps. Tom Davis (Va.), Mark Kirk (Ill.) and Howard Coble (N.C.), and GOP leaders are confident they can whittle that number into the single digits if the underlying bill is not substantially changed before it hits the House floor.

[From the Los Angeles Times, Mar. 12, 2007]

DO WE REALLY NEED A GEN. PELOSI?

After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw U.S. troops from Iraq by 2008. The plan is an unruly mess: bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he'll veto it, as well he should.

It was one thing for the House to pass a nonbinding vote of disapproval. It's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict. Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landings or if, in 1863, President Lincoln had been forced by Congress to conclude the Civil War the following year. This is the worst kind of congressional meddling in military strategy.

This is not to say that Congress has no constitutional leverage—only that it should exercise it responsibly. In a sense, both Bush and the more ardent opponents of the war are right. If a majority in Congress truly believes that the war is not in the national interest, then lawmakers should have the courage of their convictions and vote to stop funding U.S. involvement. They could cut the final checks in six months or so to give Bush time to manage the withdrawal. Or lawmakers could, as some Senate Democrats are proposing, revoke the authority that Congress gave Bush in 2002 to use force against Iraq.

But if Congress accepts Bush's argument that there is still hope, however faint, that

the U.S. military can be effective in quelling the sectarian violence, that U.S. economic aid can yet bring about an improvement in Iraqi lives that won't be bombed away and that American diplomatic power can be harnessed to pressure Shiites and Sunnis to make peace—if Congress accepts this, then lawmakers have a duty to let the president try this ''surge and leverage'' strategy.

By interfering with the discretion of the commander in chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome. It's absurd for House Speaker Nancy Pelosi (D–San Francisco) to try to micromanage the conflict, and the evolution of Iraqi society, with arbitrary timetables and benchmarks.

Congress should not hinder Bush's ability to seek the best possible endgame to this very bad war. The president needs the leeway to threaten, or negotiate with, Sunnis and Shiites and Kurds, Syrians and Iranians and Turks. Congress can find many ways to express its view that U.S. involvement, certainly at this level, must not go on indefinitely, but it must not limit the president's ability to maneuver at this critical juncture.

Bush's wartime leadership does not inspire much confidence. But he has made adjustments to his team, and there's little doubt that a few hundred legislators do not a capable commander in chief make. These aren't partisan judgments—we also condemned Republican efforts to micromanage President Clinton's conduct of military operations in the Balkans.

Members of Congress need to act responsibly, debating the essence of the choice the United States now faces—to stay or go—and putting their money where their mouths are. But too many lives are at stake to allow members of Congress to play the role of Eisenhower or Lincoln.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPPORTING OUR VETERANS

Mr. DURBIN. Mr. President, this morning I held a hearing in Chicago at the University of Illinois, Chicago medical campus. It was a hearing to discuss the challenges we face with returning veterans from Iraq and Afghanistan. It was clear from the turnout at that hearing there is an intense interest in this subject. Much of it was brought on by the Washington Post front-page story of a few weeks ago about the now infamous Building 18 at Walter Reed Hospital.

Like many Members of Congress, I have visited Walter Reed many times to see Illinois soldiers and to check in to see how things were going. None of us were ever taken across the street to Building 18. I didn't know it existed. But the graphic images of the building, which was worse than a flophouse motel with mold on the walls and rat droppings and evidence of roaches and bugs, where we were housing men and women who had just returned from battle with their injuries, has really struck a nerve across America and here on Capitol Hill. It has caused us to ask important and difficult questions about whether we are meeting our obligations to our soldiers and to our veterans, also to ask whether Walter Reed's Building 18 was an isolated example of neglect or symptomatic of a much larger problem and a much greater challenge.

Today in Chicago we talked about the returning vets and soldiers from our perspective in the middle of the country. With the Hines VA Hospital being one of the larger VA hospitals, and with a lot of veterans heading back to that part of the country, we have a real interest in this issue.

It goes without saying we all support our troops. In fact, it is said so often on the Senate floor it becomes an almost empty cliche. Those soldiers, the families, the voters, people of this country have a right to ask each of us: Great. If you support them, what are you doing for them?

We can talk—and I might at the end of these remarks—about our policy in Iraq, but for a moment I want to focus on those who serve our country overseas and come home injured and need a helping hand.

Many of the soldiers who were featured in the Washington Post exposé on Walter Reed had been living in deplorable conditions for months, sometimes years. They have lived in that condition waiting to receive a disability rating to begin rebuilding their lives. So after they fight the enemy, they come home to fight the bureaucracy. Papers are thrown at them. Some of them are in compromised positions because of their physical or mental weakness and they have to become advocates in a system that is not always friendly.

The Washington Post brought to light poor conditions at Walter Reed, but we have to ask the larger question: What about the rest of the hospitals? What about the rest of the soldiers and the veterans?

I joined several of my Democratic colleagues last week in cosponsoring the Dignity for Wounded Soldiers Act of 2007. Our new colleague, Senator CLAIRE MCCASKILL from Missouri, who has become a leader on this issue, joined with Senator OBAMA of my State in introducing a bill that calls for more homes for service members who are still recovering, less paperwork for recovering service members, better case management to cut through the red-tape, better training for caseworkers, better support services, including meal benefits, for recovering service members and their families, and job protections for husbands and wives, moms and dads of wounded service members who have come to stay with and help take care of their loved ones while they are recovering.

Mr. President, you served in Vietnam. At the time of your service, the men and women in uniform were much younger and usually single. Now the soldiers, guardsmen, and reservists who serve in Iraq and Afghanistan are older and usually have a family. So when they come home, their misfortune, their illness, and their injury turn out to be a family concern.

This bill says we should be sensitive to the family needs of these returning service members. Many of the returning troops who are injured need medical attention long after they are discharged. In fact, more of our service members sustain serious brain injuries in Iraq and Afghanistan than in any recent conflict we have known. I have seen several figures about how many Americans serving in the Middle East have suffered head and brain injuries that require a lifetime of continual care. The estimates run from 2,000 to 3,000. When you think of over a million service men and women who have served in that theater, it appears to be a small number but it is a dramatically larger number than we have seen in any previous conflict.

In Vietnam, in previous wars, brain injuries accounted for 1 out of 8 or 12 percent of the injuries. In Iraq and Afghanistan, brain injuries account for 22 percent of the injuries—almost 1 out of 4. Of course, we understand why, with the roadside bombs, the blasts, and the concussions to which these service men and women are subjected. It takes its toll. As many as 2 out of every 10 combat veterans from Iraq and Afghanistan are returning with concussions in varying degrees of intensity, and 1.6 million vets have served already in the war. That means 320,000 people require some sort of screening and treatment for traumatic brain injury or head-related injury. That number grows with every new soldier, sailor, marine, and airman deployed.

I am working on legislation now, and I will invite my colleagues to join me, to focus on brain injury because I think that is the significant wound of this war that we cannot ignore. The bill which I am preparing will, among other things, speed up medical research so we can do a better job of diagnosis and treatment. I might add parenthetically that treatment will inure to the benefit of many other people across America dealing with brain injuries or brain-related problems.

We also in this bill encourage the VA to do more outreach to find veterans whose brain injuries may have caused problems in their lives and help bring them back into a system of care and support. The bill requires the Department of Defense and the VA to work more closely together to capture and track returning troops with combat-induced brain trauma and to put money into better equipment for VA medical centers to improve their testing and treatment.

During Vietnam, one in three Vietnam service members who were injured died. In Iraq and Afghanistan, it is one in seven. Battlefield medical care is

significantly better. The trauma teams in the field who treat our men and women who are injured are performing miracles every day. But those injured veterans, once surviving, come home to more challenging medical care needs.

Let's speak for a moment about post-traumatic stress disorder. With Vietnam veterans, it is estimated it was as high as 30 percent. That estimate is given on Iraq and Afghanistan veterans as well. But during the Vietnam war, it was not discussed.

Today, I had a young man who was a Vietnam veteran stand up. His name is Ramon Calderon. Ramon has been fighting post-traumatic stress disorder almost single-handedly since Vietnam. There are so many other cases of men and women who served there who came home haunted by the experience. It wasn't considered appropriate to raise that issue when they returned, so they suffered in silence and many times paid a price: a failed marriage, self-medication with drugs and alcohol, despondency, homelessness, and problems that follow when these psychological scars are not healed. Today we know that many of our returning service men and women from Iraq and Afghanistan bring home those demons of war in their heads, and they are trying to purge themselves of that haunting illness.

A new study that will be released later today by the Archives of Internal Medicine says we are looking at the high end of the estimate of 30 percent. About one-third of those who have served in Iraq and Afghanistan come home in need of post-traumatic stress disorder counseling, and the sooner the better. The longer this situation festers, the worse it becomes. Early intervention, early help can save a life, save a marriage, and turn a life around. The study reports that one-third of veterans coming back from war who seek care in the VA have mental health or social issues.

Several months ago I went to the Hines VA Hospital and I was invited to attend a counseling session. The soldiers who were back from war said it was OK if I sat in on it. It was late on a Friday afternoon. These were vets, mainly young men, who had just returned from war. They came filing into the room, about a half dozen of them, and I could tell by the look on their face that we had the whole spectrum of emotions.

There were some who were nearly in tears the minute they crossed the threshold into the room, and there were others with clenched fists and angry looks on their faces who were suffering from the same problem. They needed to sit down and talk to somebody to try to get through another day, another week before they had another counseling session.

That is the reality. The statistics tell us a vivid story. More injured servicemembers are surviving. More injured soldiers, marines, sailors, and airmen are coming home, and a larger percentage of them need help from brain injuries, both traumatic injuries as well as psychological injuries. The VA needs to be prepared to treat this large influx of people.

Our medical and benefit systems are not keeping pace with reality. Remember the promise we made to these men and women? If you will volunteer to serve America, if you will risk your life, we will stand by you. We will protect you in battle, and we will stand by you when you come home. That was the basic promise. But we know, sadly, we are not keeping that promise at the VA hospitals and even the military hospitals across our country. Injured troops come home to find in too many cases substandard outpatient care and a big fight on their hands to justify the need for ongoing care.

A recent New York Times article featured 2005 data from the Veterans Affairs that showed a big difference between the average compensation paid in my home State. It is not news. It has been there for a couple years now. For 20 years, for reasons no one can explain, a soldier who was disabled in Illinois received the lowest compensation for an injury in comparison to another soldier with the same injury in another State. I was pretty angry about it. Senator OBAMA, who is on the Veterans' Affairs Committee, joined me in demanding an inspection to find out why this was going on, an investigation to get to the bottom of it, and action. We got a report back from Veterans Affairs, and it wasn't very satisfying.

It turns out that if a veteran tried to walk through this system alone without someone by his side, someone from his family or someone from a veterans organization, they were likely to recover 50 percent less for their disability than one who took an advocate with him. It tells you what the bureaucracy does. The bureaucracy shortchanges the injured veterans. It takes an advocate to stand by their side, and I will tell you the story of one in just a moment.

Last year we required the Veterans' Administration to send letters to 60,000 veterans in Illinois explaining how they might have been shortchanged in their disability claims for a variety of reasons. I want to make sure the VA is tracking those letters and responses and that they are doing it in a timely fashion. The VA, the Veterans Affairs Department, is inundated at this point: 1.6 million new veterans they may not have anticipated just a few years ago. Higher rates of PTSD and brain injury complicate their task. The VA Compensation and Pension Claims Division reports a backlog—a backlog—of 625,000 cases. The average wait to process an original claim at the VA is about half a year—177 days. Six months to process a VA claim, and if you are unhappy with the result and decide you want to appeal it, it will take 2 years—657 days—before you will get an answer on the appeal.

One of the things I think we should acknowledge is that there are many wonderful things happening at VA hospitals. The criticisms that we hear for their shortcomings, notwithstanding there are many dedicated men and women serving in the Veterans' Administration. I can't tell you how many returning soldiers have said good things about military hospitals and the VA. But the fact is, we need to do much more, and we need to do better.

If we could have gathered together the leaders of the Veterans' Administration 10 years ago and asked them to predict where they would be in the year 2007 in terms of their caseload and the requirements they would face, I don't think any one of them could have predicted what they face today. By and large, they were dealing with an aging population of World War II vets and Korean vets, Vietnam vets and others who had chronic conditions that needed attention.

They were conditions related to their injuries. But they were also conditions such as diabetes and blood pressure. They were prepared to deal with the aging veteran population. Then comes the invasion of Iraq, and everything changes. Thousands of men and women are now in the VA system with new challenges. Instead of chronic conditions such as diabetes and blood pressure, the VA now faces the need for acute rehabilitation. This is a specialty in which there are very few centers in America on the civilian side that really get high marks.

The VA is being asked to create this kind of specialty in a hurry. It is not working out very well. I will speak to that in a moment.

I had excellent people speaking today at the hearing.

We had Scott Burton, a former marine who was part of the initial Iraq invasion. He was discharged in 2004, and he suffers from PTSD. He is very open about it and is looking for help. He will do just fine, but he has become an advocate for other soldiers who need to step forward and acknowledge their need.

We had Katy Scott. Katy's son Jason lost his right eye and right arm in an IED attack in Iraq. She lost her job because she gave it up basically to stand by her son's bed at Walter Reed and fight for him every day. She is a passionate advocate not only for her son but for all the returning servicemen.

Then we had Edgar Edmundson. He was featured today on the front page of the New York Times. It is a feature he and his family really were not looking for. It is entitled ''For War's Gravely Injured, a Challenge to Find Care.''

The article tells the story of a number of veterans, including SSG Jaron Behee, who suffered a traumatic brain injury and went to the Veterans Affairs hospital in Palo Alto, where they said it was time for him to pick out his wheelchair, which he would be in for the rest of his life. They told him he wasn't making progress and that the next step for him was a nursing home. His wife said, ''I just felt that it was

unfair for them to throw in the towel on him. I said, 'We're out of here.' ''

Because Ms. Behee had successfully resisted the Army's efforts to retire her husband into the VA health care system, his military insurance policy, it turned out, covered private care. So she moved him to a community rehabilitation center, Casa Colina, near her parents' home in Southern California, in late 2005.

Three months later, Sergeant Behee was walking, unassisted, and abandoned his government-provided wheelchair.

Three months before, he had been told by the VA there was no hope—pick out your wheelchair, we are sending you to a nursing home.

Now 28, he works as a volunteer in the center's outpatient gym, wiping down equipment and handing out towels. It is not the police job he aspired to; his cognitive impairments are serious. But it is not a nursing home either.

There are other stories. Some were referred to today in the hearing we had in Chicago. The one I mentioned earlier is one that I think bears repeating. This involves Edgar Edmundson, 52 years old, from New Bern, NC. His son, SGT Eric Edmundson, sustained serious blast injuries in northern Iraq in the fall of 2005.

Mr. Edmundson [the father] was aggressive, abandoning his job and home to care for his son, calling on his representatives in Washington for help, ''saying no a lot.'' But even he did not come to understand his son's health care options quickly enough to ensure that his son was not ''shortchanged'' in the critical first year after his injury.

Mr. President, this is an element we cannot overlook. We cannot play catchup in this game. Many soldiers with traumatic brain injuries will deteriorate, and it will be sometimes impossible to recover the ground they lost if they don't get the right care at the right moment.

Two days before Sergeant Edmundson was wounded near the Syrian border, he visited with his father on the telephone. Mr Edmundson urged his son, then 25 with a young wife and a baby daughter, to ''stay safe.''

In an interview last week, Mr. Edmundson's voice cracked as he recalled his son's response: ''He said, 'Don't worry, because if anything happens, the Army will take care of me.' ''

While awaiting transport to Germany after initial surgery, Sergeant Edmundson suffered a heart attack. As doctors worked to revive him, he lost oxygen to his brain for half an hour, with devastating consequences.

A couple weeks later, at Walter Reed in Washington, on the very day Sergeant Edmundson was stabilized medically and transferred into the brain injury unit, military officials initiated the process of retiring him [from the active military].

''That threw up the red flag for me,'' Mr. Edmundson said. ''If the Army was supposed to take care of him, why were they trying to discharge him from service the minute he gets out of intensive care?''

Still, he didn't understand that his son's insurance policy covered private care. He wasn't aware of it.

When Walter Reed transferred Sergeant Edmundson to the polytrauma center in Richmond, Mr. Edmundson believed that he was, more or less, following orders.

Mr. Edmundson was disappointed by what he considered an unfocused, inconsistent rehabilitation regimen at what he saw as an understaffed, overburdened VA hospital filled with geriatric patients. His son's morale plummeted and he refused to participate in therapy. ''Eric gave up his will,'' he said. In March 2006, the VA hospital sought to transfer Sergeant Edmundson to a nursing home.

Mr. Edmundson chose instead to care for his son himself, quitting his job [altogether and he spent full-time with his son.] For almost eight months, Sergeant Edmundson, who was awake but unable to walk, talk, or control his body, received nothing but a few hours of maintenance therapy weekly at a local hospital.

One day, by chance, Mr. Edmundson encountered a military case manager who asked him why his son was not at a civilian rehabilitation hospital. That is when Mr. Edmundson learned that his son had options. He did some research and set his sights on the Rehabilitation Institute of Chicago.

He decided that the best place to go—and I agree—was the Rehab Institute of Chicago, which I think is one of the best in the world.

Sergeant Edmundson is now the only Iraq combat veteran being treated there.

The first step in his treatment in Chicago, Dr. Smith said, was to use drugs, technology and devices ''to reverse the ill effects of not getting adequate care earlier, somewhere between Walter Reed and here.''

For example, she said, Sergeant Edmundson's hips, knees and ankles are frozen ''in the position of someone sitting in a hallway in a chair.'' They are working to straighten out his joints so that he can eventually stand, she said. They have taught him to express his basic needs using a communication board, and they hope to loosen his vocal cords so he can start speaking.

At least he can communicate. Doctor Smith said, ''He has profound cognitive disability, but he can communicate, albeit not verbally, and he can express emotions, including humor and even sarcasm.''

When Sergeant Edmundson's father testified today, along with Eric's sister, he could not get the words out. This man had given almost 3 years of his life for his son. He knows his son has a major uphill struggle to make progress. He tried to be as kind as he could to everybody who helped, but he was also very honest. He expressed the feelings of a heartbroken father who believes that along the way, somebody should have told him his son was entitled to even better specialized care.

Last week, the head of the Rehab Institute of Chicago came to Washington. I met with her—Dr. JoAnn Smith. She was with Dr. Henry Betts, who is legendary in our town for his leadership in this institute. She came with a simple message from the Veterans' Administration, to tell them that: This is our specialty, this is what we do—take those who are acutely injured and need rehab and work with them effectively. She asked if the Veterans' Administration would please send some patients to the Rehab Institute of Chicago—patients who could be helped like those I have described in my remarks today. She said she was heartened.

Dr. Smith was trained in the VA system. She has no prejudice against them. There was a high degree of acceptance that there is a gap in the military system's current ability to take care of particularly the profoundly injured, she said. However, there is still resistance. The VA doesn't believe there is a problem or any need for rescue by the private sector.

Should we be debating this at all? If you had a seriously injured person in your household, would you not look for the best doctor you could find? Would you not want to send that severely injured person you love to the best place for them? Don't we so many times express on the floor of the Senate how much we care for and love these soldiers who serve our country? Why are they not getting the same thing?

I think that is a challenge we all have to face. We know the VA does many things and does them well. They can do a lot better when it comes to traumatic brain injury—the serious injuries the soldiers are bringing home and the post-traumatic stress disorder. We need to appropriate the funds. No excuses. We need to make sure the billions of dollars are there to take care of these soldiers.

Just 2 weeks from now—maybe sooner—the administration will ask us for a huge sum of money, in the range of $100 billion, a supplemental appropriation to be spent for soldiers in Iraq. It is likely that at the end of the day, they will receive every penny they have asked for, which has been the case for the 4 years of this war. This Senator, as do many others, believes we have to also consider the funding for our injured veterans as well. We cannot stand by and allow these vets to stay in the ''Building 18s'' or those wards where they cannot receive the specialized care and to deteriorate to a point where their lives are compromised forever.

We only have a limited opportunity for many of these brave men and women. We cannot use our own excuses here about budgets and priorities to slow down our obligation and meet our obligation to serve veterans and serve them well.

So this hearing today was an eye-opener for me and for Congresswoman Jan Schakowsky, who joined me, to be in that room with the parents and the veterans, to hear the stories of the bureaucracy they fought, and to understand we can do something about it here in Washington.

I know of the personal interest of the occupant of the chair in this issue. After the Presiding Officer was first elected, after being sworn in, he came to my office and said he wanted to work on a new GI bill. I am anxious to work with him in that regard. Having served our country as he did, he understands better than I do, and better than most, the obligation we have to the men and women who have served.

Mr. President, I hope we will take this experience of the Washington Post

expose and our own personal experiences back home to heart when we consider the measures that are coming before us. I don't want another scandal on this watch. I want to make sure this Building 18 doesn't become another Hurricane Katrina, the ninth ward of New Orleans, LA. It was an indication of lack of skill, lack of management, and lack of commitment that led to this situation. Now it is time for Congress and the President to step up for these men and women who serve us so well.

I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDITIONAL STATEMENTS

ROSENBAUM FAMILY'S SELFLESS ACT

● Mr. LEAHY. Mr. President, the front page of The Washington Post Friday delivered the remarkable news that the family of David Rosenbaum has entered into an agreement with Washington's city leaders under which the family will withdraw a $20 million lawsuit—a lawsuit in which they were said to have an excellent chance of prevailing—if the city lives up to a promise to fix the city's troubled emergency response system.

David Rosenbaum, the retired New York Times reporter, was fatally beaten last year near his home in Washington. He was a good husband and father, a kind friend and neighbor, and a talented and respected journalist. He had a passion for making government more effective in doing its job. He was a good and a kind man. Those who knew or knew of the Rosenbaums were further saddened last year when David's widow, Virginia Rosenbaum, succumbed to cancer.

How fitting, how constructive, and how typical of David Rosenbaum and his life and his work that his family has taken this selfless step. Our best wishes—and our admiration and gratitude—go out to them.

The material follows.

[From the Washington Post, March 9, 2007]

JOURNALIST'S FAMILY WANTS REFORM, NOT MONEY

(By David Nakamura)

The family of a slain New York Times journalist yesterday agreed to forgo the potential of millions of dollars in damages in exchange for something that might be harder for the D.C. government to deliver: an overhaul of the emergency medical response system that bungled his care at nearly every step.

David E. Rosenbaum's family said it will give up a $20 million lawsuit against the city—but only if changes are made within one year.

Under a novel legal settlement, the city agreed to set up a task force to improve the troubled emergency response system and look at issues such as training, communication and supervision. A member of the family will be on the panel.

Although legal experts said the family could have won millions had it pursued the case, Rosenbaum's brother Marcus said he and other relatives were more interested in making sure that the city enacted measurable changes.

''As details of the case started to come out, we decided among ourselves to do something for all the citizens so that things would be improved,'' Marcus Rosenbaum said, standing next to a dogwood sapling planted near where his brother was mugged in January 2006. David Rosenbaum was pounded on the head with a metal pipe by robbers who accosted him during an evening walk. He then was mistakenly treated as a drunk by D.C. firefighters and other emergency workers, who failed to notice his severe head wound.

Rosenbaum, 63, died of a brain injury two days after the attack on Gramercy Street NW. He had recently retired after nearly four decades at the New York Times, where he covered economic policy and other issues, but continued to work in the Washington bureau on special assignments.

The D.C. inspector general's office issued a blistering report in June that faulted firefighters, emergency workers, police and hospital personnel for an ''unacceptable chain of failure'' and warned of broader problems with emergency care. The report called for stronger supervision and training, clearer communication and more internal controls for emergency workers and hospital personnel.

D.C. Mayor Adrian M. Fenty (D), who joined the Rosenbaum family at the announcement, said that he was pleased with the settlement but that it was just the start of a long process of reform. He did not identify potential changes.

''This was a failure of the government, the most tragic kind of failure the government can have,'' said Fenty, flanked by Acting D.C. Attorney General Linda Singer. ''A settlement does not let anyone off the hook, especially the District government.''

Fenty, who took office in January, pledged last year to oust the chief of the D.C. Fire and Emergency Medical Services Department, Adrian H. Thompson, who many officials felt did not act quickly or aggressively enough to address the failures. Among other things, Thompson issued a statement three days after Rosenbaum's death that said ''everything possible'' had been done to provide care. He later changed course, saying he had been misled, and dismissed or took disciplinary action against at least 10 employees.

This week, Fenty nominated Atlanta Fire Chief Dennis L. Rubin to head the department. Rubin said he is familiar with the Rosenbaum case and intends to make changes after studying the D.C. response system more closely. Among issues likely to be on the table: the creation of a separate city department for emergency medical response.

Marcus Rosenbaum said he is hoping for the best. ''We are really happy with the way things have gone with the District,'' he said. ''It's like we are adversaries on the same side. We hope this settlement will lead to something good.''

The lawsuit was filed in November on behalf of Rosenbaum's adult children, Daniel and Dottie.

Family attorney Patrick Regan praised Fenty for reaching out to the family even before he was sworn in and then instructing his staff to work closely with the Rosenbaums to forge a settlement. But Regan had harsh words for Howard University Hospital—which remains a defendant in the lawsuit in D.C. Superior Court.

The city's ambulance bypassed the closest hospital and took Rosenbaum to Howard because one of the emergency medical technicians had personal business to attend to near there. Rosenbaum was not seen by a hospital physician for more than 90 minutes and did not get a neurological evaluation until he had been there almost four hours, the family's lawsuit alleges.

''Howard University's performance was unacceptable, atrocious. It was Third World service in the nation's capital,'' Regan said. ''While the District has stepped up and said, 'Work with us,' Howard has refused to step up. They've covered up what they did. . . . At every turn, Howard has offered excuse after excuse.''

A spokeswoman for Howard did not respond to a request for comment.

D.C. police also were faulted in the case for failing to thoroughly investigate an earlier robbery that could have led to the suspects. Two men have been convicted in the killing: Percey Jordan, who was sentenced to a 65-year term, and his cousin Michael C. Hamlin, who cooperated with prosecutors and received a 26-year term.

The city's new task force will have six months to develop a report. Toby Halliday, Rosenbaum's son-in-law, will serve as the family's representative. The panel will include city officials and emergency care experts who have yet to be identified.

''Our goal is to look beyond the individual errors in this case to bigger issues of emergency medical services,'' Halliday said, as his wife, brother-in-law and other family members looked on.

''The results must be meaningful and measurable,'' Halliday added, ''with changes and results that can be tracked over time to see if they are effective.''●

WELCOMING SADIE FAY MORGENSTERN

● Mr. CRAPO. Mr. President, today I offer a most heartfelt welcome to a bright young lady who just made her entrance into this world—Sadie Fay Morgenstern. Sadie was born just over a week ago on March 4, 2007. She joins her big sister Sydney and parents, Andrew and Beth Morgenstern. I understand that little Sadie is proving to be alert, happy, and content. Undoubtedly, she will grow into a healthy, funloving and curious young lady, traits she will share with her older sister, Sydney. I am honored to share this news of the birth of a happy, healthy baby into a loving family, and I wish them the best. Thank you for joining me today in sending best wishes to the blessed and growing Morgenstern family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 720. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 720. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 838. A bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 839. A bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 840. A bill to amend the Torture Victims Relief Act of 1998 to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN:

S. 841. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 842. A bill to authorize to be appropriated $9,200,000 for fiscal year 2008 to acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mrs. CLINTON):

S. 843. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. KENNEDY, Mr. FEINGOLD, Ms. CANTWELL, and Mr. KERRY):

S. 844. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Ms. MIKULSKI):

S. 845. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 846. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 373

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 373, a bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States.

S. 376

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 579

At the request of Mr. REID, the names of the Senator from Connecticut

(Mr. DODD) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 663

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 663, a bill to amend title 10, United States Code, to repeal the statutory designation of beneficiaries of the $100,000 death gratuity under section 1477 of title 10, United States Code, and to permit members of the Armed Forces to designate in writing their beneficiaries of choice in the event of their death while serving on active duty.

S. 691

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 727

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 773

At the request of Mr. WARNER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 787

At the request of Mr. MARTINEZ, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 787, a bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program.

S. 823

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

AMENDMENT NO. 355

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 355 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 371

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 371 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 389

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 389 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 393 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 440

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 440 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 838. A bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, today I am introducing the United States-Israel Energy Cooperation Act, which is cosponsored by Senators BINGAMAN and LANDRIEU. This bill will help foster cooperation on renewable energy projects between the United States and our democratic ally in the Middle East.

Israel has some of the most advanced facilities in the world for concentrated solar. Israel is developing technology to use unsorted municipal waste to produce biogas, an alternative ''green''

energy for transportation and power plants. Israel has also developed rooftop systems for electricity and hot water supplies.

This bill will help implement an existing agreement between the two nations entitled, ''Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation,'' dated February 1, 1996. The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy, will establish a grant program to support research development and commercialization of alternative renewable energy sources.

Eligible projects must be joint ventures between an entity in the U.S. and an entity in Israel, or between the U.S. government and the government of Israel. Eligible projects include those projects for the research, development or commercialization of alternative energy facilities, improved energy efficiency or renewable energy sources. Under certain circumstances, the Secretary may require repayment of the grant.

The bill also establishes an advisory board to provide the Secretary with advice on the criteria for grant recipients and on the appropriate amount of total grant money to be awarded. Finally the bill authorizes $20 million annually for fiscal years 2008 through 2014 to carry out this program.

At this time when issues related to energy security and to greenhouse gas emissions are receiving so much attention by the Congress, I hope that my colleagues will join me in cosponsoring this bill. This will enable the United States and Israel to build upon the important work being done in both countries to reduce our dependence on imported oil that too often comes from politically unstable or hostile nations.

By Mrs. FEINSTEIN:

S. 841. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals living in San Bruno, CA.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

In the 18 years that the Plascencias have been here, they have worked to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel.

Repeatedly, the Plascencia's lawyer refused to return their calls or otherwise communicate with them in any way, thereby leaving them in the dark. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them.

Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation.

Although the family was stunned and devastated by this discovery, they acted quickly to fire their attorney for gross incompetence, secure competent counsel, and file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the past 14 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packing operation and several employees. The President of Vince's Shellfish, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as ''a valuable and respected employee'' who ''handles himself in a very professional manner'' and serves as ''a role model'' to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as ''gifted,'' ''trusted,'' ''honest,'' and ''reliable.''

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree, improved her skills, and became a medical assistant.

For 5 years, Mrs. Plascencia was working in Kaiser Permanente's Oncology Department, where she attended to cancer patients. Her colleagues, many of whom have written to me in support of her, commend her ''unending enthusiasm'' and have described her work as ''responsible,'' ''efficient,'' and ''compassionate.''

In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is ''an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.'' Nurse Carino went on to write that Mrs. Plascencia is ''an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with.''

The physicians themselves confirm this. For example, Dr. Laurie Weisberg, the Chief of Oncology at Kaiser Permanente, writes that Mrs. Plascencia ''is truly an asset to our unit and is one of the main reasons that it functions effectively.''

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This private relief bill is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future. It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 14, is the Plascencia's oldest child, and an honor student at Parkside Intermediate School in San Bruno.

Erika, 10, and Alfredo Jr., 8, are enrolled at Belle Air Elementary, where they have worked hard at their studies and received praise and good grades from their teachers. In fact, the principal of Erika's school recognized her as the ''Most Artistic'' student in her class. Erika's teacher, Mrs. Nascon, remarked on a report card, ''Erika is a bright spot in my classroom.''

The Plascencia's youngest child is 3-year-old Daisy.

Removing Mr. and Mrs. Plascencia from the United States would be most tragic for their children. These children were born in the United States and, through no fault of their own, have been thrust into a situation that has the potential to alter their lives dramatically.

It would be especially tragic for the Plascencia's older children—Christina, Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them. Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not

my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit. I have sponsored this private relief bill, and ask my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit.

I ask unanimous consent that the text of the private relief bill and the numerous letters of support my office has received from members of the San Bruno community be entered into the RECORD immediately following this statement.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez and Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of that Act.

KAISER PERMANENTE,
San Francisco, CA, January 10, 2007.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

To Whom It May Concern: I am writing to attest to the character and work ethic of Marla Del Refugio Plascencia. I am the Director of Medicine at Kaiser Permanente, South San Francisco. I have known Maria since she was hired as a medical assistant into my department in July 2000.

Maria is an excellent employee and role model for her colleagues. She is extremely dependable; She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with. Maria is flexible, thorough and proactive. She pays attention to detail and identifies potential problems before they occur. In addition, her bilingual skills enhance the patient care experience for our members who speak Spanish.

In her short tenure here, Maria found time to volunteer with our community outreach programs. She served as a volunteer interpreter for our recent Neighbors in Health event, wherein free health care was provided to uninsured children in our local community.

I can't say enough about Maria and the type of person she is. I feel fortunate to have her in my department. She is an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal employee, involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.

It would be an incredible miscarriage of justice if Maria and Alfredo are deported. They came to this country to pursue a better life and afford their children opportunities that they wouldn't have in Mexico. They have begun to do just that by establishing roots in the community and purchasing a home. Deporting Maria and Alfredo would rip their family apart and result in either depriving their children of a loving family or depriving them of their rights as American citizens if they leave the country of their birth with their parents.

I pray that you will allow them the opportunity to live in this country.

Sincerely,

ROSE CARINO, RN,
Director, Department of Medicine.

Sen. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

My name is Rosa Mendoza, and I am a resident of San Bruno, my letter is with the purpose of presenting my observations on Maria and Alfredo Plascencia whom I have known for about 6 yrs, when Maria started to work for Kaiser Permanente, as I'm a Kaiser Permanente employee myself.

Maria is a very respectful person, and owns very good moral principles; she likes to help people according to each other necessities. I support the private legislation introduced in their behalf, as this type of people is what each country needs. Here by I'm asking Senator Feinstein to please keep working on their case for them to become residents of this country, as this family needs to stay together. If there should be any questions please do not hesitate to contact me at [redacted].

Sincerely,

ROSA MENDOZA.

JANUARY 10, 2007.

Re: Alfredo Plascensia Lopez and Maria Del Refugio Plascencia

Sen. DIANNE FEINSTEIN,
Washington, DC.

TO WHOM IT MAY CONCERN: The purpose of this letter is to present my observations on Alfredo Plascencia Lopez and Maria Del Refugio Plascencia's character and work ethic.

I have worked with Maria Del Refugio Plascencia for the past six years and in that time I have gotten to know her as a person and a friend. Maria is always willing to help in any situation. She shows great compassion to the patients, as she is always willing to assist them. In the past year, I have also gotten to know Alfredo Plascencia Lopez as well as their five children. Maria and Alfredo have invited my daughter and me to their home on many occasions and while visiting there, I have always felt very welcomed as my daughter feels the same. They treat my daughter as if she were one of their own.

In the past six years, I have also observed how hard working both Maria and Alfredo are. But while working as hard as they do both still find time to create a balance between work, home, family, friends and church. Maria and Alfredo do all they can for their family, employers and anyone who is in need of a helping hand. As a mother, I can't imagine having to go through what Maria and Alfredo are going through right now. It would be unfair to the Plascencia family if Maria and Alfredo were to be deported at this time in their lives. It would also cause a great loss to the Oncology department as Maria offers tremendous support to all of us here at Kaiser.

Hereby I want to express my gratitude to Senator Feinstein for the great work that she is doing on the private legislation, and at the same time I want to ask to please keep helping them by renewing the introduction of the legislation. I hope that there is justice in this case and some consideration of everyone involved in this situation. Not only will Maria and Alfredo be affected by being deported but also this could change the lives of their children, family, friends, co-workers and the patients here at Kaiser. We need more people like the Plascencia's in our country, as they are a model family.

Sincerely,

ERIKA HIDALGO,
Medical Assistant/Receptionist,
Kaiser Permanente.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 842. A bill to authorize to be appropriated $9,200,000 for fiscal year 2008 to acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Cannon Air Force Base, NM.

I am proud to offer this bill because Cannon has a variety of military construction needs because of a June 2006 decision by the Secretary of Defense to use Cannon Air Force Base as an Air Force Special Operations base.

Two of these needs are an MC–130 Flight Simulator facility and renovations to an existing Hangar to accommodate C–130 aircraft. The Department of Defense budgeted for both of these items in its fiscal year 2008 Defense budget request, and in keeping with that request my legislation authorizes $7.5 million for the MC–130 Flight Simulator facility and $1.7 million for hangar renovations.

Our special operations forces are a part of some of the most important missions in the Global War on Terror, and we have more special operations warfighters deployed now than ever before. I am proud to support those soldiers, and I look forward to working on this bill and taking other actions to support our special operations forces.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY.—Using amounts appropriated pursuant to the authorization of appropriations under subsection (b), the Secretary of the Air Force may acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico, as specified under such subsection.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 for military construction and land acquisition for the Department of the Air Force the following amounts:

(1) For the construction or alteration of a C-130 aircraft hangar at Cannon Air Force, New Mexico, $1,700,000.

(2) For the construction of an MC-130 Flight Simulator Facility at Cannon Air Force, New Mexico, $7,500,000.

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. KENNEDY, Mr. FEINGOLD, Ms. CANTWELL, and Mr. KERRY):

S. 844. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am pleased to introduce the Unaccompanied Alien Child Protection Act of 2007, along with Senators HAGEL, KENNEDY, FEINGOLD, CANTWELL, and KERRY. This important legislation will govern the way the Federal Government treats undocumented immigrant children who end up or show up all alone at our borders or within the United States.

I first introduced legislation similar to this bill in January 2001. It has now passed twice out of the Senate. Yet, unfortunately, both times it stalled in the House of Representatives.

Despite the passage of time, this bill remains vital to the proper treatment of young undocumented children who get caught within our Federal system. My hope is that this is the year that this bill will become law.

Every year, more than 7,000 undocumented and unaccompanied children are apprehended. Most are from Central America, but others come from Mexico, India, China, Somalia, Sierra Leone, and remote places around the world. Some have parents or other relatives who the child is trying to find in the United States, but many have no one.

These children come to the United States for many reasons: reuniting with family, pursuing education or employment, escaping family violence or abuse, fleeing political or religious persecution, and seeking protection from gang violence or recruitment.

Some children are brought here by adults seeking to exploit them for commercial sex work, domestic servitude, or other forced labor. Sometimes they're too young to understand why they've been sent to the United States at all.

These children are the most vulnerable immigrants who come to this country and I believe we have a special obligation to ensure that they are treated humanely and fairly.

Historically, U.S. immigration law and policies have been developed and implemented without regard to their effect on children. This result has been similar to trying to fit a square peg in a round hole—it just cannot work.

Under current immigration law, these children are forced to struggle through a system designed for adults, even though they lack the capacity to understand nuanced legal principles, let alone courtroom and administrative procedures. Because of this, children who may very well be eligible for relief are often deported back to the very life-threatening situations from which they fled—before they are even able to make their cases before the Department of Homeland Security or an immigration judge.

For example, the New York Times recently reported the story of Young Zheng, who was 14 years old when his parents sent him from China to the United States.

He was first detained for a year at a facility that was later closed due to abysmal conditions. Fortunately, he was then transferred to Chicago, where he was assigned a child advocate who spent time with him and urged his release to his relatives.

Six months later, Young was released to live with his uncle in Akron, OH. Then, immigration authorities suddenly attempted to deport Young in April 2005.

Young so feared being deported that he tried to hurt himself. Young was terrified that he would be subject to torture by the Chinese government or that the traffickers would exact physical revenge. The traffickers had already threatened retribution against his family if they did not repay the trafficking fee of $60,000.

With the help of a team of pro bono attorneys and the child advocate, Young's removal was stayed. In April 2006, Young received his green card and is now a model high school student.

This example dramatically highlights why this legislation is still so critical. It was only because Young was lucky enough that pro bono attorneys and a child advocate happened to intervene in his case that he was not deported. And, they intervened only after he was detained for 1 year in squalid conditions in the United States.

According to an analysis of Department of Justice data in 2000, those children fortunate enough to find representation, usually through a pro bono attorney, are more than four times as likely to be granted asylum.

Sadly, many children never get the help of a child advocate or a pro bono lawyer. Worse, for those children who are victims of human trafficking, their only advice may come from lawyers hired by the traffickers who care nothing for the child's best interest.

The legislation that I am introducing today builds on the Homeland Security Act of 2002, which adopted components of the bill that I first introduced during the 107th Congress.

The Homeland Security Act transferred responsibility for the care and placement of unaccompanied alien children from the now-abolished Immigration and Naturalization Service to the Office of Refugee Resettlement within the Department of Health and Human Services.

This change finally resolved the conflict of interest inherent in the former system that pitted the enforcement side of the Immigration and Naturalization Service against the benefits side of that same agency in the care of unaccompanied alien children.

I am pleased that the provision transferring responsibility for the care and custody of unaccompanied alien children was included in the Homeland Security Act, and that by all accounts, the transition in the care of children between the affected agencies has gone well.

Yet, because the Homeland Security Act was crafted quickly, it left the Department of Homeland Security and the Office of Refugee Resettlement without clearly distinguished mandates and responsibilities in some key areas, including legal custody, age determination procedures, and State court dependency proceedings.

Congress now has a responsibility to go beyond the simple transfer of children from one agency to another to actually laying out the process and steps to ensure that unaccompanied alien children are treated fairly and humanely.

We must provide the Office of Refugee Resettlement, the Department of Homeland Security and the Department of Justice with the tools they will need to succeed in their missions regarding the care of unaccompanied alien children after the transfer of jurisdiction took place.

First of all, I want to stress that this bill is not about benefits, as it provides no new immigration benefit to unaccompanied alien children. Rather, this bill is about the process of how we treat these children under the current system.

The ''Unaccompanied Alien Child Protection Act'' provides guidance and instruction to the Office of Refugee and Resettlement, the Department of Homeland Security and the Department of Justice in the following areas: first, in the custody, release, family reunification and detention of unaccompanied alien children; second, it provides access by unaccompanied alien children to child advocates and pro bono counsel; third, it streamlines the Special Immigrant Juvenile (SIJ) program and provides guidance on the

training of federal government officials and private parties who come into contact with unaccompanied alien children; fourth, it requires the issuance of guidelines specific to children's asylum claims; fifth, it authorizes appropriations for the care of unaccompanied alien children; and, sixth, it amends the Homeland Security Act of 2002 to provide additional responsibilities and powers to the Office of Refugee Resettlement with respect to unaccompanied alien children.

Central throughout the ''Unaccompanied Alien Child Protection Act'' are two concepts: (1) The United States government has a fundamental responsibility to protect unaccompanied children in its custody; and, (2) In all proceedings and actions, the government should have as a priority protecting the interests of these children who are not criminals or do not pose a risk to our national security.

Imagine the fear of an unaccompanied alien child, in the United States alone, without a parent or guardian. Imagine that child being thrust into a system he or she does not understand, provided no access to pro bono counsel or a child advocate, placed in jail with adults or housed with juveniles with serious criminal convictions.

I find it hard to believe that our country would allow children to be treated in such a manner.

That is why I am introducing this legislation today. The ''Unaccompanied Alien Child Protection Act'' will help our country fulfill the special obligation to these children to treat them fairly and humanely.

I am proud to have the support of the United States Conference of Catholic Bishops, the Women's Commission on Refugee Women and Children, the Lutheran Immigration and Refugee Service, Heartland Alliance, Amnesty International USA and the United Nations High Commissioner for Refugees, and many other organizations with whom I have worked closely to develop this legislation.

I urge my colleagues to join with me by cosponsoring this important measure and ensuring that these reforms are finally enacted.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Unaccompanied Alien Child Protection Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMPETENT.—The term ''competent'', in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this Act;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office.

(4) OFFICE.—The term ''Office'' means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(7) VOLUNTARY AGENCY.—The term ''voluntary agency'' means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'unaccompanied alien child' means a child who—

''(A) has no lawful immigration status in the United States;

''(B) has not attained 18 years of age; and

''(C) with respect to whom—

''(i) there is no parent or legal guardian in the United States; or

''(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

''(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

''(A) have not attained 18 years of age; and

''(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.''.

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this Act, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

SEC. 101. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 105; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this Act.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 102(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 105, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 102. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 103(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 103. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 102(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 102(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 104. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 105. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this Act or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 106. EFFECTIVE DATE.

This title shall take effect on the date which is 90 days after the date of the enactment of this Act.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO CHILD ADVOCATES AND COUNSEL

SEC. 201. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 202. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 101(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 102(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this Act, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct,

and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this Act may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 203. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This title shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this title shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this title.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

SEC. 301. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

''(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

''(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

''(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

''(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.''.

(2) RULE OF CONSTRUCTION.—Nothing in subparagraph (J) of section 101(a)(27) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

''(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and''.

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of enactment of this Act.

SEC. 302. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 101(a)(2)(A).

SEC. 303. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this Act;

(3) data regarding the provision of child advocate and counsel services under this Act; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

SEC. 401. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its ''Guidelines for Children's Asylum Claims'', issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'', issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the ''Guidelines for Children's Asylum Claims'' to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'' and the ''Guidelines for Children's Asylum Claims'' to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the ''Guidelines for Children's Asylum Claims'' to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 402. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

''(A) the number of unaccompanied refugee children;

''(B) the capacity of the Department of State to identify such refugees;

''(C) the capacity of the international community to care for and protect such refugees;

''(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

''(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

''(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.''.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking ''and'' after ''countries,''; and

(2) by inserting '', and instruction on the needs of unaccompanied refugee children'' before the period at the end.

SEC. 403. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section (101)(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child.''; and

(2) in subsection (b)(3), by adding at the end the following:

''(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.''.

TITLE V—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

SEC. 501. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) in subparagraph (L), by striking the period at the end and inserting '', including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and''; and

(3) by adding at the end the following:

''(M) ensuring minimum standards of care for all unaccompanied alien children—

''(i) for whom detention is necessary; and

''(ii) who reside in settings that are alternative to detention.''.

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

''(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

''(A) contract with service providers to perform the services described in sections 102, 103, 201, and 202 of the Unaccompanied Alien Child Protection Act of 2007; and

''(B) compel compliance with the terms and conditions set forth in section 103 of such Act, by—

''(i) declaring providers to be in breach and seek damages for noncompliance;

''(ii) terminating the contracts of providers that are not in compliance with such conditions; or

''(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.''.

SEC. 502. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 501, is further amended—

(1) in paragraph (3), by striking ''paragraph (1)(G)'' and inserting ''paragraph (1)''; and

(2) by adding at the end the following:

''(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.''.

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

By Mr. ISAKSON:

S. 846. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, today, I introduce the Longshore and Harbor

Workers' Compensation Act Amendments of 2007. The Longshore Act provides medical, physical rehabilitation and lost wage replacement benefits to thousands of workers nationwide for work-related injuries, illnesses and deaths. The Act is long overdue for attention from Congress, and I am eager to engage with my colleagues from both sides as to how we can improve the system for our workers, their employers, taxpayers and our economy as a whole.

We all can agree that the workers covered under this program play a key role in our national security and in our vital international trade. Longshore and harbor workers labor on the piers of Portland, ME, in the dead of winter, just as they toil in the hot Southern sun in Savannah, GA. Their work is undoubtedly difficult and often dangerous. It is impossible to underestimate the extent to which Americans rely on the myriad of products these workers move in and out of our nations' ports. Every year, over 15 billion tons of freight moves through our ports, with a total value of $9 trillion.

These workers deserve a fair and effective workers' compensation program. Since 1927, longshore and harbor workers have had a unique program all their own. Congress enacted the Act in response to Southern Pacific Company v. Jensen, a ruling by the Supreme Court in 1917. The Court held that the Maritime Clause in the Constitution forbids states from covering shore-based maritime workers who may become injured while working on vessels anchored in navigable waters. Now, nearly 90 years later, not only are private stevedoring companies covered by the Act, but so are virtually all maritime construction folks, builders and repairers of U.S. Naval and Coast Guard vessels, Federal contractors with overseas employees, oil rig workers, and even civilian employees at the Post Exchanges on U.S. military bases.

As many of us have learned if we ever spent time in our State legislatures, States nationwide regularly amend their programs to incorporate the most modern and best workers' compensation practices. However, unlike these responsible state legislatures, Congress has not addressed the Longshore Act in over two decades.

Since the last amendments to the Act, States from California to Rhode Island have found numerous methods of improving their workers' compensation programs, saving taxpayers' dollars, and eliminating waste, fraud and abuse, while always ensuring that workers have appropriate medical care. We must bring these State-level innovations in workers' compensation to the Longshore Act system.

Technology, events, and even Congressional interventions have continued to dramatically change our nations' seaports and shipyards. Indeed, since 2002, per Congress's instruction, U.S. Customs has begun locating so-called ''VACIS machines'' at U.S. terminals. These machines are truck-mounted gamma ray imaging systems that produce radiographic images of the contents of containers and other cargo to determine the possible presence of many types of contraband. Eventually, EVERY port in the country will have the machines on sight. Will maritime workers be exposed to radiation? If so, will they file claims against their employers when the machines are owned and operated by the Federal Government?

The bill I introduce today will foster a sound and fair workers' compensation system for maritime workers with a clear, exclusive remedy for their workplace injuries and illnesses. It will guarantee fairness for workers, and in the event of death, their survivors. It will make our ports and shipbuilders more competitive. It will ensure fair compensability, in that it will hold employers responsible for only that which is caused by employment under the Longshore Act system. It will fix, once and for all, the so-called ''Special Fund,'' an archaic and problematic vestige of early 20th Century public policy.

In May 2006, I chaired a hearing of the Subcommittee on Employment and Workplace Safety, at which we heard about many different problems with the implementation of this 80-year-old Act. I have incorporated suggestions from both sides in crafting the bill I introduce today.

Since I began dealing with this issue last year, I have talked with more and more workers, port operators, and administrators from the Port of Savannah in my home State of Georgia. Savannah is the Nation's eleventh busiest waterborne freight gateway for international trade. Every year, over $20 billion of international freight move through it and its neighboring port of Brunswick. The folks I talk to at Savannah and Brunswick tell me that they can't emphasize enough the importance of revising the Longshore Act to make it more efficient.

I hope we can move on this bill, for the sake of taxpayers, for workers in Savannah and Brunswick and at ports and ship building facilities nationwide, and for the international commerce that is vital to our Nation's economy and way of life.

TO REVISE UNITED STATES POLICY ON IRAQ—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, last week, I asked unanimous consent with respect to S.J. Res. 9, along with several other resolutions regarding the subject of Iraq—that we proceed on these—and there was an objection. So I now move to proceed to Calendar No. 72, S.J. Res. 9, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 72, S.J. Res. 9, to revise the United States policy on Iraq.

Harry Reid, Carl Levin, Dick Durbin, Byron L. Dorgan, Robert P. Casey, Jr., Barbara Boxer, Edward M. Kennedy, Patrick Leahy, Jay Rockefeller, Patty Murray, Jack Reed, Debbie Stabenow, Hillary Rodham Clinton, Jeff Bingaman, Barbara A. Mikulski, Ben Cardin, Robert Menendez.

Mr. REID. Mr. President, I now ask unanimous consent that the live quorum with respect to this cloture motion, as required under rule XXII, be waived.

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

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I will shortly move to proceed to S. 214, the U.S. attorneys bill. Before I do so, I would like to state for the record there are ongoing discussions about this bill and we have offered to the Republicans a proposal that would have a very limited number of amendments and debate time. I feel fairly confident at this time we can reach that agreement. There has been cooperation on both sides. If we are able to reach that agreement, then it will not be necessary to have a cloture vote. Therefore, if we reach agreement, it will be my intent to vitiate cloture on the motion to proceed.

CLOTURE MOTION

Mr. President, I now move to proceed to Calendar No. 24, S. 214, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 24, S. 214, Preserving United States Attorney Independence Act of 2007.

Harry Reid, Dianne Feinstein, Benjamin L. Cardin, Maria Cantwell, Ted Kennedy, Robert C. Byrd, Kent Conrad, Max Baucus, Tom Harkin, Ken Salazar, Tom Carper, Jeff Bingaman, Patrick Leahy, Patty Murray, Dick Durbin, Jim Webb, Robert P. Casey, Jr.

Mr. REID. Mr. President, I now ask unanimous consent that the live quorum with respect to this cloture motion, as required under rule XXII, be waived.

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

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as chairman of the Senate delegation to the Canada-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable AMY KLOBUCHAR of Minnesota.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as chairman of the U.S.-China Interparliamentary Group conference during the 110th Congress: the Honorable DANIEL INOUYE of Hawaii.

ORDERS FOR TUESDAY, MARCH 13, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 13; that when the Senate reconvenes Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate then resume consideration of S. 4, and that the time until 11:45 a.m. be for debate with respect to the Coburn amendments Nos. 294 and 325, and that the time run concurrently and be equally divided and controlled between Senators Lieberman and Coburn or their designees; that at 11:45 a.m., without further intervening action or debate, the Senate proceed to a vote in relation to the amendment No. 294, to be followed by a vote in relation to the amendment No. 325, regardless of the outcome of the first vote; that there be 2 minutes of debate between the votes, equally divided and controlled; and that at 12:30 p.m. the Senate stand in recess until 2:15 p.m. for the respective work conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. So tomorrow, beginning at 11:45 a.m., there will be two rollcall votes in relation to the Coburn amendments Nos. 294 and 325. Members should be prepared to be on the floor at that time for those votes. The remaining amendments will be disposed of, if necessary, after the conference recess period. The managers are going to accept some of the amendments, so we may be able to complete this bill fairly quickly tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate—I now ask the Republican leader if he has any business to bring before the Senate?

Mr. MCCONNELL. No, Mr. President, I have nothing to add tonight. We look forward to wrapping up the 9/11 bill sometime in the early afternoon tomorrow.

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Tuesday, March 13, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 2007:

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2007 VICE DEBORAH DOYLE MCWHINNEY, TERM EXPIRED.

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2010. (REAPPOINTMENT)

UNITED STATES INSTITUTE OF PEACE

ANNE CAHN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE BETTY F. BUMPERS, TERM EXPIRED.

BRUCE P. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE CHESTER A. CROCKER, TERM EXPIRED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE SEYMOUR MARTIN LIPSET, TERM EXPIRED.

GEORGE E. MOOSE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE MORA L. MCLEAN, TERM EXPIRED.

JEREMY A. RABKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE BARBARA W. SNELLING, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012. (REAPPOINTMENT)

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR THE TERM OF FIVE YEARS EXPIRING JULY 1, 2009. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES T. COOK, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. WILLIAMS, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be major

MARK A. YUSPA, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GERALD J. LUKOWSKI, JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES W. WHITTINGTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C. SECTION 624:

To be major

VASILIOS LAZOS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

THOMAS G. MCFARLAND, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be major

JEFFREY R. BAVIS, 0000
SORREL B. COOPER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ARTHUR W. STAUFF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES A. MCLENITHAN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JEFFREY P. BEJMA, 0000
MICHAEL S. FERRELL, 0000
SEAN M. HUSSEY, 0000
ERIC V. LEWIS, 0000
KATHLEEN J. MCDONALD, 0000
WILLIAM P. OMEARA, 0000
MANAN M. TRIVEDI, 0000
JORDAN I. ZIEGLER, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 12, 2007 withdrawing from further Senate consideration the following nomination:

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 29, 2007.