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## Senate

The Senate met at 9 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

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

Let us pray.

O God, prepare our hearts for the great things You would do within and among us today. Remind us that right conduct exalts a nation, but sin destroys any people. Give us a desire to do Your will, to fulfill Your purposes, and to honor Your Name.

Today, lead our Senators in the path of Your purposes. Remind them that no problem they face is too big for You and no detail too small for Your attention. Help them to be wise stewards of Your resources, as they seek to remain mindful of Your presence and receptive to Your power. Give them the same respect and tolerance for the ideas and beliefs of others as they would wish for themselves.

We pray in the Name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, we are going to go immediately to the Defense authorization bill. The debate will be on the Dorgan amendment. Senators DORGAN and SUNUNU will each get 10 minutes to speak this morning. We will vote, I would announce to everyone, as soon as they finish.

There are a number of people who are concerned about the schedule today. If we start to vote early, we will extend the vote for whatever time is appropriate to make sure people have the opportunity to vote. As I indicated earlier this week, the next weeks' work period will be very busy. We should have some late nights and hopefully no weekends, but that is even possible. There will be no votes on Monday.

### RECOGNITION OF THE MINORITY LEADER

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

### LEVIN-REED AMENDMENT

Mr. MCCONNELL. Mr. President, the Senate has now had a full day to debate the Levin amendment. The questions I raised about it yesterday remain unanswered. Americans need to

know what they are being asked to consider. The troops fighting al-Qaida in Iraq also need to know. I will ask my questions again.

The Levin amendment says the Secretary of Defense shall "commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of enactment of this act." What would this reduction involve? The Levin amendment calls for U.S. forces in Iraq to have a limited presence after the reduction. What is a "limited presence"? The Levin amendment says our Armed Forces should only be used to protect U.S. personnel, to train Iraqis to fight, and to engage in "targeted counterterrorism operations against al-Qaida." What does "targeted" mean? The Levin amendment says the Secretary of Defense shall complete the transition of U.S. forces in Iraq to a limited presence and missions by April 30. How does the author define "complete"?

A number of papers across America reported this morning that yesterday's House vote means that most U.S. troops will be out of Iraq by April. I ask the authors of the Levin amendment, is this true?

This 1½-page amendment is the centerpiece of the Democratic leadership's strategy for Iraq. They want us to choose this over the Petraeus plan. Listen to General Petraeus. Just before we began this debate, he made a simple request. He said:

I can think of few commanders in history who wouldn't have wanted more troops, more time, or more unity among their partners. However, if I could only have one thing at this point in Iraq, it would be more time.

Our Democratic-led Senate voted 81 to nothing to send General Petraeus into Iraq. A bipartisan majority of 80 Senators told him in May that he had until September to report back on progress. His strategy has led to what even skeptics describe as an encouraging turnaround against al-Qaida in Anbar, a province which accounts for

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



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about one-third of Iraq's territory. Yesterday, just 1 month after this strategy became fully manned, Democrats are declaring it a failure and asking us to rally behind a 1½-page alternative that raises more questions, frankly, than it answers.

We have been down this road before. When the President decided to change course in Iraq last year, Democrats said his new strategy wouldn't work. They called it a failure before it began. Now just 1 month after that strategy became fully manned, they are calling it a failure again, even as it has started to show signs of military success.

The Iraq Foreign Minister told us what would happen if America walks away from this fight right now: a sharp increase in violence, thousands of civilian deaths, and a regional conflict that could involve several other countries in that area. Yet the Democratic leadership has yet to address the consequences of withdrawal. Here is their response to concerns about a victory by al-Qaida, genocide, and a regional war in the Middle East: Blame Bush. That may work on the stump, but it is not a very sophisticated foreign policy, and it is not going to solve the great problems we face in Iraq and in the broader Middle East.

Fortunately, many brave people are facing this problem head-on. Our top commander in Iraq says he can win this fight. He told us he wouldn't risk a single American life if he didn't think he could. All he is asking for is time. Can we at least give him what we agreed to in May?

This amendment is not a responsible alternative to the Petraeus plan. It is a page and a half of vague proposals.

Now, look, all of us are frustrated with the war, but we have committed to listen to General Petraeus and Ambassador Crocker. We did so through legislation. We need to listen to our top commander in the field. He deserves 60 days. More than 160,000 American soldiers and marines are fighting in Iraq right now. They believe in this mission. They are executing the plan, and they have a leader. He is asking for more time. Let's be fair and honor the legislation we passed in May. Let's wait for the report.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Levin-Reed amendment requires the President to take steps to responsibly end the war that the country and our brave men and women in uniform deserve and demand, but it does not set specific troop levels and, certainly, schedules other than what we have already indicated, and that is the House-passed version, similar to ours, 120 days to start redeploying troops; as of April 1, according to the House, and May 1, according to us. There must be a change of mission. That change of mission will be directed toward counterterrorism, protecting our assets in the area, and also training the Iraqis. That is simply what it says.

Senators CARL LEVIN and JACK REED are uniquely qualified to offer this amendment. They have been joined in this amendment by others, including Senator HAGEL. This amendment sets a firm date and an end date to transition the mission to begin the reduction of U.S. forces. I have talked about that. It limits the U.S. mission.

This policy of the President—it is not Petraeus' policy; it is the President's—has, during the last 6 months, caused the deaths of over 600 more American soldiers and cost the American taxpayers more than \$60 billion. The amendment offered by the distinguished Senator from Virginia, Mr. WEBB, was a step in the right direction. It was defeated. We were not allowed to vote on that. It was offered to give our troops the relief they need—15 months in country, 15 months out of country. That is serious and important to our troops.

Our troops are in a difficult position. We are 3,000 officers short. The morning news reports that 13 percent of recruits, even though they are 15 percent down in recruitments, 13 percent of those they have, even though they have lowered qualifications significantly, 13 percent have criminal records and are going into the military.

Of course, the amendment that is offered by Senators LEVIN and REED requires that the reduction in force be part of a comprehensive diplomatic, regional, political, and economic effort.

The votes we have taken on Iraq thus far make two things very clear: First, the Democratic caucus is united in our commitment to changing the course of this Iraq intractable civil war. Our resolve has never been stronger. Second, until and unless the President awakens to his grievous misjudgments, it will take significant Republican support to end the war.

This week's vote on the Webb amendment was not encouraging. The Republican leadership blocked an up-or-down vote on an amendment to support our troops by increasing rest time between deployments. Republicans have every right to vote against bills and amendments they oppose. If they oppose troop readiness, let them go on record voting against it. But to block an amendment like that shows clearly that some Republicans are protecting the President and not the troops. Plenty of Republicans are talking the right way on Iraq now. They are expressing their disapproval for the President's policy, and this is a welcome step. But speeches won't end the war; only votes will.

We have a constitutional obligation. Section 1, article 8 says that we have an obligation to take care of our troops. We have a constitutional obligation. When we return to the Levin-Reed amendment next week, a final vote will come. We hope it is not blocked again procedurally. I hope all my colleagues, Democratic and Republican alike, will embrace this oppor-

tunity to finally end a war that has caused our country so much harm.

#### RESERVATION OF LEADER TIME

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

Dorgan/Conrad amendment No. 2135 (to amendment No. 2011), relative to bringing Osama bin Laden and other leaders of al-Qaida to justice.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:30 a.m. shall be for debate on amendment No. 2135, as amended, with the Senator from North Dakota, Mr. DORGAN, and the Senator from New Hampshire, Mr. SUNUNU, each controlling 10 minutes.

The Senator from North Dakota.

Mr. WARNER. Mr. President, might I inquire again as to the schedule of the vote?

The ACTING PRESIDENT pro tempore. The vote is presently scheduled for 9:30 or, if the speaking engagements end sooner, at the conclusion of those speaking engagements, at the back end of the time. The vote will not be shifted forward in order to accommodate Senators who are counting on the 9:30 vote beginning.

Mr. WARNER. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized for 10 minutes. There is 8½ minutes remaining.

Mr. DORGAN. Would the Chair remind me when I have consumed half of that time? I want to yield the remainder of the time to Senator CONRAD.

The ACTING PRESIDENT pro tempore. I will.

Mr. DORGAN. In about 4 minutes, let me describe an amendment that is very simple. Yesterday, we received a report—it is described in today's paper—

on progress dealing with benchmarks in Iraq. There is only one reason we are given this report by the administration. It is because we required this report in law. The Congress said: We require you to give us this report.

There is another report we are not getting. We have not yet required it. Our amendment will require it. That is, What has been done and what is being done to bring to justice Osama bin Laden and the leadership of al-Qaida and those who committed the attacks against this country on 9/11/2001? What is being done to bring them to justice? It has been nearly 6 long years and Osama bin Laden remains free. More importantly, the threat against our country today is a threat by Osama bin Laden, the leadership of al-Qaida, operating from a secure and safe place in Pakistan, we are told, planning attacks against our country and others.

Here is the situation: August 2001, the Presidential daily briefing said this—the title was “Bin Laden determined to strike in the US.” That was August 2001. It is what was handed to the President back then.

Here is today. Our intelligence assessments, we are told by newspaper accounts: “Al Qaeda is better positioned to strike the West.” Think of that. Nearly 6 years later and al-Qaida is better positioned to strike the West.

Now, let me tell you what Mr. Negroponte told us in January of this year. He said: “Al Qaeda continues to plot attacks against our Homeland” from a “secure hideaway in Pakistan.” That is from Mr. Negroponte, the top intelligence official in our country.

He further said this in January of this year:

Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to [our] Homeland.

Now, having known that, let me describe a couple of things we have been reading recently. This is February of this year:

Senior leaders of al-Qaida operating from Pakistan over the last year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.

American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Finally, this week:

While the U.S. presses its war against insurgents linked to al Qaeda in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military, intelligence and law enforcement officials said.

Now, the question is this: While we have soldiers going door to door in Baghdad in the middle of a civil war, with sectarian violence—

The ACTING PRESIDENT pro tempore. May we have order, please, for the Senator who is speaking on the floor.

Mr. DORGAN. The question is this: It has been almost 6 years since Osama bin Laden and the network of al-Qaida attacked our country on September 11, 2001. Osama bin Laden is still free. He has not been brought to justice. We are told he is operating in a secure hideaway in northern Pakistan. Al-Qaida is stronger than it has been in years, and we are told it is rebuilding and regrouping with terrorist training camps. It remains the greatest threat to our country.

We are told this after almost 6 years, two wars in two countries, hundreds and hundreds of billions of dollars spent here and abroad, the deaths of thousands of our soldiers and tens of thousands of our soldiers wounded, and the threat grows and remains, and those who perpetrated the attack against this country and now represent the greatest threat to our country live free in a secure hideaway.

President Bush said this in 2003:

I don't know where bin Laden is. I have no idea and really don't care. It's not that important. It's not our priority.

The ACTING PRESIDENT pro tempore. The halfway point has been reached.

Mr. DORGAN. It is a priority for this country, I would say to the President, and we ask for quarterly reports on what is happening in the search to bring the leadership of al-Qaida to justice.

Mr. President, I yield the floor to my colleague, Senator CONRAD.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, it has now been 2,131 days since 9/11. I think all of us remember that day. It was a horrific day. I will never forget having given a speech over in Crystal City that morning and having driven past the Pentagon, only to get to the Capitol and see that the Pentagon had been attacked and then seeing the incredible images from the World Trade Center and those buildings collapsing.

The President said at the time that we would hold Osama bin Laden and al-Qaida to account, that we would smoke them out of their holes, and that we would bring them to justice. It is 2,131 days later, and still Osama bin Laden has not been brought to justice, nor has Mr. Zawahiri, who now regularly broadcasts additional threats against our country.

I believe a very serious strategic mistake was made when the President chose to go to Iraq instead of finishing business with al-Qaida. In fact, we know special forces, who are experts in Arab culture, in Arab language, were transferred from the hunt in Afghanistan for Osama bin Laden and al-Qaida. Those special forces were shifted to the hunt for Saddam Hussein in Iraq. They were replaced by experts in Spanish culture. There are not many Spanish speakers in Afghanistan.

I have always believed it was a profound mistake not to finish business with Osama bin Laden and al-Qaida.

I had the benefit of going to high school at an American military base in Tripoli, Libya, north Africa, and living in the Arab culture for 2 years. I think I learned a great deal from that experience about that culture. I think strategically it has been a profound mistake for us to go into Iraq instead of keeping our focus and effort and energy on the people who did attack us—al-Qaida, led by Osama bin Laden, and not Saddam Hussein, the leader of Iraq. As awful and despicable a character as Saddam Hussein was, that should not have been the focus of our effort. The people who attacked us were al-Qaida, not Iraq.

Now we learn al-Qaida is “considerably operationally stronger than a year ago” and has “regrouped to an extent not seen since 2001,” a counterterrorism official said, paraphrasing a new intelligence report's conclusions. They are “showing greater and greater ability to plan attacks in Europe and the United States.” Are we not paying attention? Al-Qaida, according to these reports, has increased from 20,000 terrorist operatives to 50,000.

We need to redirect the emphasis and the focus of our security efforts and go after Osama bin Laden and al-Qaida. That is what this amendment does. It doubles the bounty on Osama bin Laden.

The ACTING PRESIDENT pro tempore. The time controlled by Senator DORGAN has expired.

Mr. CONRAD. I thank the Chair and conclude by saying that it requires an administration report on the strategy for bringing bin Laden and other terrorists to justice.

I urge my colleagues to support the amendment.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, had I been present for the vote on the Dorgan amendment, I would have voted in favor of it.

We're coming up on the sixth anniversary of 9/11, and the bloodthirsty terrorist who plotted this slaughter of nearly 3,000 Americans is still a free man. Back then, could any of us ever have imagined such a failure on the part of this administration? Could any of us have believed that—more than half a decade later—Osama bin Laden would still be enjoying safe haven? Two wars and three elections later—and Osama remains unscathed.

What would our reaction have been nearly 6 years ago, had President Bush gone on national television and predicted this? What would we have said if he'd told us that the capture of the man who'd unleashed such horror simply wasn't a top priority of his administration? Would any American have believed him?

The amendment before us aims to make this a top priority. It obligates the administration to provide Congress with regular reports on the progress made, if any, towards the capture or

killing of Osama bin Laden and his closest confederates.

The White House seems to have forgotten bin Laden. The American people have not.●

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply say, I intend to vote for this amendment. But let us not be unmindful of the enormity of the sacrifice of the men and women of the Armed Forces of the United States—and, indeed, perhaps with the assistance of other nations—in trying to ascertain exactly where bin Laden might be and perhaps to get him. So much of this, quite understandably, cannot be revealed, but I assure the American public that our U.S. military in no measure has been asleep in its pursuit of this infamous man, Osama bin Laden.

I yield the floor to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let me say two things about this amendment. First of all, I hope all of my colleagues will support it because it has been amended in a very important way, which I will discuss in a moment. But the first thing I want to say is, it is a false choice to suggest we should either be fighting in Iraq or going after Osama bin Laden. We need to be fighting al-Qaida wherever they are, and we are doing that, in Iraq and in the hills of Pakistan and Afghanistan and other places where these terrorists might be hiding, to the very best of our ability. We cannot leave Iraq to al-Qaida in order to go after Osama bin Laden.

To rewrite history here, to somehow suggest we have stopped trying to get Osama bin Laden is, I suggest, a willful misrepresentation of what our special forces are attempting to do. I agree with the senior Senator from Virginia that this is a very difficult and complicated matter in dealing with the Government of Pakistan and other issues that make it very hard to know precisely where Osama bin Laden is and to be able to kill or capture him.

That relates to the second point. When this amendment was drafted, there was a glaring problem with it. It increases the reward from \$25 million to \$50 million, but the way it was originally written, it was written for information "leading to the capture" of Osama bin Laden. We looked at the amendment and, in astonishment, sought to find the rest of the phrase that you usually see there, "the capture or death," but it was not there.

I wondered: Is this yet another step in the effort of the majority party to make this a criminal effort rather than to acknowledge that this is a war against a sworn enemy of the United States? In a war, you capture the enemy when you can. When you cannot, if it is necessary to kill the enemy, you do. All of this brave talk about getting Osama bin Laden and criticism of the administration because

we have not gotten him seems to me a little bit hollow if the only way we are going to get him is to capture him.

Well, sure, it would be great to capture him, but we may have to kill him; therefore, the amendment which omitted the potential for killing Osama bin Laden was amended by Senator SUNUNU, who offered a second-degree amendment to raise the reward from \$25 million to \$50 million for the capture or death or information leading to the capture or death of Osama bin Laden. It is under those circumstances that I strongly support the amendment, as amended.

But I ask my colleagues on the other side—next week, we are going to have some other discussion about language which would criminalize this war rather than allowing it to be fought as the war it is against sworn enemies of the United States. Are we going to continue this trend where we treat it as a matter of criminal law rather than a war? I hope not because the other side does not treat it that way.

So having amended the amendment to include "the capture or death" of Osama bin Laden, I am very happy to support it.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, does money make the difference? Because if money had made the difference, Osama bin Laden would be in his grave. But it has not made the difference. Intelligence, human intelligence, relationships, the ongoing development of those kinds of relationships we build around the world makes the difference.

Osama bin Laden is a phenomenal symbol today in a large constituency worldwide. We will add money, and all of us will support it. The intent of this amendment is good. But, as my colleagues have said, to suggest it is either/or, we cannot do both, nor should we—I suggest it is not that.

Are we going to melt the mountains of northern Pakistan? What, should we have tumbled the government of Musharraf in our pursuit of Osama bin Laden? I think that was not our choice, nor should it have been.

So we will add some money. We will add some intent. But, in the long haul, building back an intelligence organization, a human intelligence organization, that couples with and strengthens our technological capability to observe movement all over the world, ultimately, helps us pursue terrorist organizations, to go where they are and where they are training and to be able to topple them before they inflict injury upon us. That should be our goal. That is our goal. That is what has been our goal since 9/11. But we are so powerful, and we are all "Nintendo warriors" today. Remember that game, that electronic game, a few years ago, push buttons—zim, zam, boom—and it was all over with? That is not the way you fight war, although we as a society have grown to believe that.

When the human is involved, when the human intelligence decides to hide,

to divert, to connive, to organize, and ultimately to break through the barriers we build, our vigilance must be constant. We have just heard of their capabilities. We now must rest on ours.

I will support the amendment. But let us not be fooled that money makes the difference. It is the constant vigilance, the building of systems and organizations, the human intelligence, matched with our electronic and our technological capability, that will continue to allow us to be a safer nation in what Americans have now recognized is a very unsafe world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—87

Akaka	Craig	Lott
Alexander	DeMint	Lugar
Allard	Dole	Martinez
Barrasso	Dorgan	McCaskill
Baucus	Durbin	McConnell
Bayh	Ensign	Menendez
Bennett	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Brown	Grassley	Nelson (NE)
Brownback	Hagel	Pryor
Burr	Harkin	Reed
Byrd	Hatch	Reid
Cantwell	Hutchison	Roberts
Cardin	Inhofe	Rockefeller
Carper	Isakson	Salazar
Casey	Kennedy	Sanders
Chambliss	Kerry	Schumer
Clinton	Klobuchar	Sessions
Coburn	Kohl	Shelby
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Leahy	Specter
Conrad	Levin	Stabenow
Corker	Lieberman	Stevens
	Lincoln	Sununu

Tester	Warner	Wyden
Thune	Webb	
Voinovich	Whitehouse	

NAYS—1

Bunning

NOT VOTING—12

Biden	Domenici	Lautenberg
Cornyn	Gregg	McCain
Crapo	Inouye	Obama
Dodd	Johnson	Vitter

The amendment (No. 2135), as amended, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The regular order would be the Levin amendment.

Mr. LEVIN. I call for the regular order.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator SANDERS be recognized for 3 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I wish also to accommodate the Senator from Minnesota.

Mr. LEVIN. I will amend that request.

Mr. COLEMAN. Mr. President, I understand the Senator from Vermont was going to speak for a couple minutes, and I wish to have the floor after that for no more than 10 minutes.

Mr. LEVIN. Mr. President, I amend my request to ask that after the Senator from Vermont speaks, the Senator from Minnesota be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, a number of Vermont families are traveling to Arlington National Cemetery this week. They are a special group and they are here for a very special reason. The group is called The Vermont Fallen. They represent the many families in our State who have lost a loved one during the war in Afghanistan or the war in Iraq.

On Saturday, July 14, The Vermont Fallen will come together to support Marion and Peter Dooley for the interment of LT Mark Dooley's ashes at Arlington National Cemetery.

A fellow Vermonter, Lieutenant Dooley was born July 15, 1978. He was a graduate of the 2001 class of Norwich University and served as a police officer in Wilmington, VT, as well as the Windham County Sheriff's Department. A first lieutenant in the Vermont National Guard, he served with the 3rd Battalion, 172d Mountain Infantry. He was killed west of Ramadi, Iraq, on September 19, 2005, when the scout platoon he was leading was ambushed.

The Vermont Fallen serves a wonderful and unique purpose. They allow families from Vermont who have suffered unimaginable loss to come together and support each other in a way that only they themselves can do.

Today, we honor the life and the loss of LT Mark H. Dooley. In doing so, we also honor the lives of all those brave Vermont soldiers who never came home.

Mr. LEVIN. Mr. President, if the Senator from Minnesota will yield before he speaks for a unanimous consent request.

Mr. COLEMAN. Yes.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Minnesota is finished, Senator BILL NELSON be recognized for up to 20 minutes on the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

Mr. LEVIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COLEMAN. Mr. President, I am disappointed that an objection has been raised. I intended to offer amendment No. 2189, which is at the desk. It is a Coleman, DeMint, Thune, Inhofe amendment which would prohibit the FCC from reinstating the fairness doctrine.

I am not asking for a vote at this time. I only want an amendment to be put into the queue. Just recently, the House dealt with a similar amendment. That amendment passed the House with over 300 votes in favor. The vote was 309 to 115.

My amendment says that the FCC would not be able to reinstate the fairness doctrine. It says:

The Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, or other requirement that has the purpose or effect of reinstating or promulgating in whole or part the requirement that broadcasters, including the Armed Forces Network, present opposing viewpoints on controversial issues of public importance, commonly referred to as the fairness doctrine.

There is nothing fair about the fairness doctrine. In the past few weeks, there has been discussion among some of my colleagues on the other side of the aisle who have said very publicly that it is time to reinstate the fairness doctrine. We have troops in the field of combat today putting their lives on the line and part of what we protect in this country is the first amendment—is freedom of speech.

The fairness doctrine amendment is a relic of a bygone past. It was tossed on the ash heap of history in 1987. It was in place from 1949 to 1987. Its intended effect was to have the Federal Government monitor what is said on the airwaves and require broadcasters to present "fair" and "balanced" programming.

The effect was much different from that. In effect, it stifled speech. If you are a broadcaster and you own a station, you could be subject to some kind of penalty if you do not provide the kind of balance that the Government says you must provide. You may well choose—and, in fact, history has shown what has happened—you may choose simply to play country music. I love country music, but I also love free speech, and we do not want to put anything in place that stifles free speech.

We have gone from 1949, when we had a few TV stations and the information you got came from relatively few sources, to a world today in which we have broadband, high-speed Internet, satellites, blogs, and a whole range of information. And that is a good thing.

In the end, we in this body have to respond, have to listen to the voices of people. We want an informed and educated citizenship. We want them to get diverse views.

The reality, in part, of why this issue even comes up is because of concerns from my friends on the other side of the aisle that talk radio somehow is dominated by conservatives. One may argue that perhaps broadcast journalism may be dominated by liberals. There have been studies that have shown that fact. But for us, we shouldn't care whether it is dominated. And as to a response of the Government coming in and trying to somehow measure and regulate—

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

Mr. COLEMAN. I yield.

Mr. DURBIN. Mr. President, I ask the Senator, in the interest of an educated electorate, whether he thinks Americans should hear both sides of the story, a fair and balanced approach when it comes to information?

Mr. COLEMAN. I absolutely believe Americans should hear both sides. Absolutely. But I believe—strongly believe—the Government should not be in the position of deciding and dictating "now here is the other side."

In the world of communications today, Americans have all sorts of options to hear the other side. All they have to do is turn a dial, all they have to do is push a button, all they have to do is press a mouse, and they have that ability.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield for a question.

Mr. DURBIN. Does the Senator concede that the airwaves belong to the American people?

Mr. COLEMAN. Mr. President, I concede the airwaves belong to the American people.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield for a further question.

Mr. DURBIN. Does the Senator concede that those who use the people's airwaves to make a profit have to do it with a license from our Government?

Mr. COLEMAN. I understand and agree we have a licensing process.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield, and I yield to the Senator from Illinois to present the entire question so I can continue.

Mr. DURBIN. I am not trying to delay the Senator from Minnesota. I will concede the sense-of-fairness doctrine has been set aside since the Reagan administration. Things have changed in broadcast journalism and many other aspects of journalism. I have not seen the Senator's amendment. I sense I know what it might be leading to, but I want to make sure the premise is something on which we may agree.

The airwaves belong to the American people. Those who profit from them do it by permission of the people through their Government and those who use those airwaves should do it responsibly and should seek to provide both points of view, both sides of the story so that Americans can reach a decision. I ask the Senator from Minnesota if he disagrees with any of those points?

Mr. COLEMAN. Mr. President, I say to my learned colleague from Illinois, here is our point of disagreement. There is no question, in fact, that there is a licensing process. I am a former mayor. We licensed a lot of things. But I think one of the basic principles at stake is we don't license and measure content when it comes to speech, and that is my concern. That, in fact, is because of the multiplicity of communications options that are available to citizens today—as I said before, blogs, Internet, broadband, and satellite—which we didn't have 20, 30 years ago.

Where my objection lies, and the importance of this amendment says Government should not be monitoring and regulating content. We are not talking about obscenity. There are things the Senator from Illinois understands the Government has an absolute right to monitor or to deal with. When we get to content—and that is my concern, that those who have raised the issue “bring back the fairness doctrine,” are bringing it back, and the cry then is to regulate content. And that is what I object to.

Mr. DURBIN. If I can ask the Senator to yield further for a question, there was a recent episode in the last 2 years when the Public Broadcasting Corporation took a show by Bill Moyers off the air and wanted to replace it with a show authored by the Wall Street Journal. There were complaints, obviously, that Mr. Moyers was too liberal in content.

Does the Senator from Minnesota believe that was a fair outcome or would he concede it would have been a fairer outcome to allow the American people to watch both shows, by the Wall Street Journal and Bill Moyers, and to hear both points of view and decide what they agree with?

Mr. COLEMAN. Two observations. First, I am thrilled I am having this discussion with the Senator from Illinois. My concern is that I just offered an amendment which was objected to. Had the amendment not been objected

to, we would have time for a full debate on this amendment.

The Senator from Illinois and the Senator from South Dakota have a great interest in this issue. I presume my colleagues on the other side of the aisle—the junior Senator from Massachusetts has raised concerns that we should reinstate the fairness doctrine. He said that publicly.

I would love to have this debate, and yet I stand here offering an amendment which is being objected to and so instead we are having this colloquy. I appreciate the question and will respond. But I am disappointed that the other side of the aisle will not give us an opportunity for a full debate on this issue.

In fact, I want all sides to be heard. What I don't want, and the fundamental disagreement is, for the regulatory power of Government to sit in judgment as Big Brother, to oversee and take stock with pencil and pad and take notes: Well, we had Sean Hannity over here. Now we have to get somebody on the left over there.

Balance should be heard, but we have a marketplace that provides that opportunity. We have folks who support the perspective of the Senator from Illinois, and we have folks who support my perspective. Sometimes we are the same. But for Government to dictate, that is the concern. That is why the FCC got rid of the fairness doctrine in 1987. It is why the Supreme Court raised questions about the necessity of the fairness doctrine. I don't think it is constitutional. We have not gotten to that question.

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

Mr. COLEMAN. I will yield for one further question.

Mr. DURBIN. I am sorry to interrupt. Through the Commerce Committee or the appropriate committee of jurisdiction, we can really get into this question. But the Senator is arguing that the marketplace can provide. What is the Senator's response if the marketplace fails to provide? What if it doesn't provide the opportunity to hear both points of view? Since people who are seeking the licenses are using America's airwaves, does the Government, speaking for the people of this country, have any interest at that point to step in and make sure there is a fair and balanced approach to the information given to the American people?

Mr. COLEMAN. Mr. President, I will respond to the final question. There is a very clear disagreement here. The Government does not have the responsibility to regulate content of speech. That is what the first amendment is about. That is exactly what the first amendment is about. Government is not supposed to be regulating content, and at a time in 1949 when we had three-network TV stations, basically when we had limited channels of communication, I presume there was a legitimate concern on the part of some that in fact Government needs to step in and ensure balance. But now we are

in 2007. I cannot even conceive that the market cannot provide opportunities for differing positions because it does.

In the end, consumers also have a right, based on the market, to make choices. So if they make choices that say we want to hear more of one side than the other, that is OK. I think it is very dangerous, I say to my friend from Illinois—I think it is very dangerous for Government to be in the position of deciding what is fair and balanced. As we see on the floor of the Senate, oftentimes amongst ourselves, hopefully learned individuals who have the great and humble opportunity to serve in the Senate, we have differences as to what is fair and balanced.

The reason we have a first amendment is we get Government out of measuring, controlling, dictating, and regulating content. That is my concern, and that is what this amendment is about.

I would love to have a debate with the Senator from Illinois. I would have hoped that this amendment would simply have been put in the queue, would have been heard. I think Americans love a fair fight. I think Americans love this kind of dialog. There is nothing fair about the fairness doctrine. There is nothing fair if the intent—really, we have to lay it on the table—if the intent is to shut down or to limit the conservative talk radio. That is where the concern is. Yet, as I said before, one can raise questions about balance in the print media, one can raise questions about balance in the broadcast media, but I don't think it is the role of Government to be sitting there listening and then weighing, deciding what is fair and balanced, and then requiring, under penalty, a broadcaster to then have to present an opposing point of view.

What is going to happen—and history has shown this—broadcasters are simply going to say: Let's do something else. Why be in that position where there may be a line that may be crossed, and I don't know what that line is, and that line may change depending on who is sitting as FCC Chair.

As I said before, beyond first amendment principles, there are market principles. Talk radio has flourished because of the market. The consumer says, I want to listen, and they have been given choices. They can simply turn off the dial. They can shut off the radio if they don't want to listen, but it has flourished. It has flourished because of demand, and that is the market, not because of Government command, not because of Government control. We don't want the Government regulating content.

Like never before, Americans have a wealth of information and viewpoints thanks to cable television, radio, the Internet, and that is a good thing, and let it flourish.

John Kennedy stated:

We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.

Mr. President, I am not afraid of the people. I am not afraid of the people having access to the information and ideas they want access to, but I am afraid of the Government stepping in and regulating content. We have a first amendment that is the underpinning, the foundation, of all the other amendments. The fairness doctrine flies in the face of the first amendment. It was rejected in 1987. The idea of bringing it back today is a very bad idea.

This amendment specifically includes the Armed Forces Network. Our folks who are out there on the frontline fighting shouldn't be thinking that back home someone at the FCC is listening and monitoring and deciding what is fair and what is balanced. Let the people decide. Let the market decide. Let the first amendment flourish.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. LEVIN. Mr. President, will the Senator from Florida yield for a unanimous consent request?

Mr. NELSON of Florida. Of course, I yield to my distinguished chairman.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from Florida, the junior Senator from Pennsylvania be recognized to speak as in morning business for 10 minutes.

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

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is there a time limit on my remarks?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. NELSON of Florida. Mr. President, I come to this discussion of the Iraq issue from a position of having been in the political arena for 35 years. My brand of politics is moderation. My representation is generally recognized as being in the mainstream. That is clearly where my State of Florida and the majority of its politics is, in the mainstream of American politics.

Since so many people like to categorize us in little boxes of where our politics is, I am generally categorized in that box as a moderate Democrat. I am here today to state why I will vote for the Levin-Reed amendment with regard to the troops in Iraq.

How did I come to this conclusion? Remembering an Alfred Lloyd Tennyson poem, "Ulysses," he says, "I am a part of all that I have met." Certainly, my frame of reference was shaped in large part upon graduation from college, being commissioned as a lieutenant in the U.S. Army Reserve and being on active duty, first going on active duty as a 1st lieutenant and then, within a year—since that was the Viet-

nam era with rapid promotions—serving the second of my 2 years of active duty as a captain in the U.S. Army.

Vietnam was a tough experience for our country. As I went on active duty, President Johnson had announced he was not going to run for reelection, in large part, the Nation was split asunder over the issue of support of the war. Then during my 2 years of active duty, it was the beginning of the Nixon administration, and as they tried to grapple with the war, they concluded some 4 years later that we had to start withdrawing.

It was a time that certainly is different from now because there is such a respect for our troops now. That was not necessarily the case back then when I was in the military. Certainly, all the interaction I had as a military officer was the best, but that was not the case for a lot of returning soldiers. Indeed, they came home to an America that did not support them and did not stand up for them. We learned a lot of very painful lessons out of that Vietnam experience.

Most of us in this Senate who have the fresh memories of that time, when we go to the Mall to the Vietnam Memorial, there is emotion that is evoked—often the emotion of choking up, as you see those almost 60,000 names and you see those dramatic statues of both the men and the women who served in Vietnam.

One of the awful lessons of Vietnam is that you cannot conduct a war unless you have the support of the American people. Tragically, that is the situation we are getting to today. Today it is a lot different than Vietnam because there is outright unabashed patriotic support for our troops and the extraordinary job they are doing. But it is very clear, if you listen to the street, if you talk to your people back home, you realize the American people are not satisfied with the conduct of this war, they are not satisfied with the progress of this war, and the American people, in increasingly larger numbers, are not supporting this war.

How did I come to this conclusion to support the Levin-Reed amendment? Well, back in 2003, when we voted on the authorization for this war, I voted for it, as did most of the Senators here. The information we were given at the time was clearly information that we believed—that was that there were weapons of mass destruction, there were certainly chemical and biological weapons, and we were led to believe Saddam Hussein also had a very active nuclear program.

I am not talking about whispers behind the door or surreptitious notes that were passed in the night. I am talking about meeting after meeting—right up there in S. 407, the secure room in the U.S. Capitol—sometimes when 75 Senators were present, being briefed by the highest levels of the Government: The Secretary of Defense, the National Security Adviser, the head and deputy head of the CIA, the

head of the Defense Intelligence Agency. Over and over these were the impressions; indeed, the specific information that we received.

Yes, I got a copy of the National Intelligence Estimate, and it was in a meeting called by our chairman, JOE BIDEN, who had a classified meeting to discuss it with representatives of the intelligence community. Indeed, the Director of the CIA, George Tenet, at a later meeting, confirmed what others had already briefed, that there was a program that Saddam Hussein likely had to take unmanned aerial vehicles, put biological and chemical weapons on them, put them on ships off the east coast of the United States, and launch them over east coast cities of the United States.

Did I conclude there was an imminent threat to the interests of the United States by virtue of the information I was given? You bet I did.

George Tenet even confirmed that after the war started, the report's veracity.

What was worse—and what I was not told—was a major part of the intelligence community, the Air Force intelligence, disputed the unmanned aerial vehicles report. In fact, Air Force intelligence knew more about unmanned aerial vehicles than anybody else, and they said they were likely for reconnaissance purposes, not for offensive purposes.

So knowing today what I know—that none of that was true—would I have voted the same way? Of course I wouldn't. But I voted in 2002 for the war authorization on the basis of what I was told and which I believed.

In 2006, the agitation against the war continued to swell and the question came up about withdrawal. Again, I supported the administration, and I voted against a withdrawal timeline because I felt if we had a chance of success, we should not be micro-managing the military, and we should let them make their decisions.

But then things started to change. At the end of the year came a big change the report of the Iraq Study Commission. Jim Baker and Lee Hamilton, two of the most respected Americans, co-chaired this. Listen to names of the members of this commission who were unanimous. Larry Eagleburger, former Secretary of State. He replaced, by the way, Robert Gates, when Gates had to resign because the President was making him the Secretary of Defense. Gates was in on a lot of this Commission testimony.

Listen to the rest of them. Vernon Jordan; Ed Meese, former Attorney General; Sandra Day O'Connor, everybody knows who she is; Leon Panetta, former Chief of Staff to the President; Bill Perry, former Secretary of Defense; Chuck Robb, a former colleague here; Alan Simpson, another former colleague here.

These are the people who made up this Iraq Study Commission, and they came out unanimously. There were five



Democrats and five Republicans. It was co-chaired by Jim Baker, the former Secretary of State, and Lee Hamilton, the former chairman of the House Committee on International Relations. They said there has to be a different way and it had to be a goal of withdrawal next spring.

So when this issue came up again in the spring of 2007, I voted for the report's goal—an amendment sponsored by Senator LEVIN and Senator REED—the goal of the start of a withdrawal—a partial, gradual withdrawal—not a complete withdrawal, a gradual withdrawal. The goal was April of 2008. Now the amendment has been changed, to mandate a gradual withdrawal being completed by April of next year, 2008.

That doesn't mean a complete withdrawal. This amendment says is they are going to leave a good portion of the troops in Iraq to do a number of things. What are those things?

First, I wish to say that, except for the requirement of a withdrawal, the Levin-Reed amendment is very similar to the Iraq Study Commission report. Senator SALAZAR and a host of bipartisan Senators, including this Senator, are cosponsors of Senator SALAZAR's amendment. The Salazar amendment gives us almost word for word the Iraq Study Commission Report. What is before us today is something similar, but instead of the goal of withdrawal by next April, it is a requirement.

The Levin-Reed amendment would require the President to implement a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors. It would ensure that our troops who remain in Iraq will perform the most vital missions—that of protecting the United States and coalition personnel, training and equipping the Iraqi Army, and continuing to fight the terrorist groups, particularly al-Qaida—and it requires the President to appoint an international mediator with the authority to engage Iraq's various factions in an inclusive political process.

The Iraq Study Commission report says: Get going. Do an aggressive diplomatic effort in the region. All five Republicans and five Democrats on the commission said: You ought to open up to Syria, and you ought to open up to Iran, under the theory that, indeed, we ought to be talking to our enemies.

When I took off for the Middle East, about nine countries within a 2-week period before last Christmas, one of my stops was to return to Syria for a third visit with the President of Syria, Assad. The White House said don't go. The State Department came and visited me and said don't go.

I said the cat is out of the bag. The bipartisan Iraq Study Commission says we have to open up and talk to enemies. That is the commonsense thing to do.

I was attacked by Tony Snow in his White House daily briefing. Guess what happened? Thereafter, Secretary Rice

was meeting with the Syrian Foreign Minister, the same one with whom I met, along with President Assad.

It is all a part of the necessity of us engaging diplomatically in the region at the same time we are trying to figure out what to do with our military.

Earlier this year, over many objections, the President then decided he needed to send more troops to Iraq in a surge, and he said it was intended to bring about greater stability. I opposed the surge. I pointed out, from my experience and understanding of Iraq, the surge would put additional American soldiers and marines in the middle of the sectarian violence crossfire of a civil war.

The sectarian violence has only been going on for 1,327 years, ever since the battle of Karbala in 680 A.D. After that battle, you had, in effect, the Shiites separating from the Sunnis, and that has led to antipathy that it is hard for us in America to understand. Yet it continues.

I said at the time there was a surge that I would support, and that was in Anbar Province, which is mainly Sunni and where the real enemy is al-Qaida. I believed that marines are having some success.

I understand I have 1 minute left. Mr. President, I ask for an additional 5 minutes.

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

Mr. NELSON of Florida. I believed the marines were making progress. But there you had just Sunnis and you had al-Qaida that was trying to undermine the Sunni leadership, and the marines working with the Sunnis were having some effect. That is the part of the surge I supported. I did not support the surge going into Baghdad in the middle of the crossfire of a civil war.

The President ignored the findings and the warnings of the Iraq Study Group which recommended a comprehensive strategy for changing the course in Iraq.

So what has happened? In the last 6 months, we have spent more than \$60 billion and we have lost another 600 American lives and many more have suffered grievous injuries. Despite those losses, the sectarian violence has only increased.

Yesterday, the President reported that the Iraqi Government has failed to meet many of the benchmarks that we laid out earlier this year. Only the Iraqis can make the compromises necessary to end this war. Our continued open-ended presence has provided them with no incentive to do so. We cannot and we should not be in the middle of their civil war.

What we need is a diplomatic solution with an aggressive, diplomatic effort—which was argued by the Iraq Study Group.

We also need a political solution instead of a military solution. The possible solution that I am drawn to is the one put forth by Senator BIDEN. Under

the Iraqi Constitution, which is a federal form of government, it will allow autonomy of various regions or states that can provide for their own governance along with a National Government that will allocate the oil revenues according to the population.

But still, the President has not changed course in Iraq, despite the facts on the ground and the overwhelming desire of the American people.

So, with a heavy heart, it brings me today to say that we must by law insist that he begin the reduction of the forces in Iraq and the transition of our mission there. Along with others, I do not reach this conclusion lightly nor with any pleasure. I am extremely concerned by the great toll that this war has taken on our Armed Forces and our military families across this Nation, with the thousands killed and many more injured.

I am very concerned about the lack of training and the lack of time for recuperation for our troops, especially the National Guard and the Reserves. I am very close to the Florida National Guard.

I am very concerned about the situation in Iraq, that it keeps escalating, the violence, especially among Iraqis, and the lack of their production of an economic lifeline by the production of their oil. It is being lost to theft and to sabotage. They can't get their arms around it.

And I am very concerned about the plight of the Iraqi people, including now more than 2 million refugees.

I am concerned about the possibility of greater regional violence and instability. I am concerned about the failure of the Maliki government, the failure of the government in and of itself, but especially, as we see now, the failure of the government to lead and to enact necessary reforms.

I will conclude by saying, an open-ended commitment, keeping our troops in the middle of a civil war, is not the solution. We must not only demand that the President change course, but we must require that he do so. So I rise today in support of the Levin-Reed amendment.

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

#### CHILDREN'S HEALTH INSURANCE

Mr. CASEY. Mr. President, I rise today to speak about children's health insurance for a number of reasons, but principally because the President of the United States, several times in the last couple of weeks and months—but especially this past week—has spoken to this issue in a way that I think is misleading, in a way that I think does not do justice to this important, compelling issue: whether or not this country is going to make a real commitment to insuring all of our children.

This is an issue that you and I, Mr. President, have spoken about, as have many others in this Chamber. It is a major priority for the American people. I will give the bad news first. The



bad news is we have 9 million American children who have no health insurance. That number stares us in the face every day. There is no reason this Congress and this Senate should not do something about that.

It is particularly disturbing and insulting that we have not only 9 million uninsured American children, but we have that number in the face of some other numbers, like tax cuts for very wealthy people. Over and over again, in the last couple of years, this Congress and the Congress before it, has made judgments about priorities. I am afraid there are some people who are making that judgment again about tax cuts for very wealthy people over health care for children.

That is the reality. Unfortunately, we have now not only the 9 million uninsured, but here is another number. Of that 9 million, 6 million children of that 9 million are eligible for programs that can help them now, either Medicaid or the State Children's Health Insurance Program.

The final bit of bad news and the challenge for us, not only as a Senate but as a people, is that 80 percent of the 6 million who could be helped right now by both programs—80 percent of them come from working families. That should be disturbing to all of us.

Here is the good news. We can solve this problem. Not in one budget, not in one year, but over time if we make a real commitment. We can do it by supporting the SCHIP, the State Children's Health Insurance Program. In my home State we call it CHIP, but the Federal Government refers to it as SCHIP. In our State, over 160,000 kids are served by this program now, but there are tens of thousands of other children who are not covered right now. We need to cover them in Pennsylvania and across the country. We know there are millions of children right now across the country who are not covered today who could be covered if we make the full commitment.

When we talk about children's health insurance, a lot of people watching and a lot of people thinking about this issue say: Oh, it is another Government program. It will cost a lot of money. Why are we doing this?

Here is the evidence. We have a 10-year experiment in this country on children's health insurance. Thank God, under a Democratic President—Clinton—and a divided Congress, 10 years ago that commitment was made, and now we have the evidence. We know for all these children, 6 million covered—9 million not covered but 6 million covered, we know the tremendous benefit that means to employers way down the road. We also know what that means for the skills that are developed for one child and for many others. It is better for economic growth to ensure children. It is better for gross national product. It is better to build a skilled workforce with children's health insurance.

Here is the challenge we have, in terms of this year's budget. I and many

others, including the Presiding Officer and many people in this Chamber—mostly on this side but even some on the other side of the aisle—supported a proposal to say that over 5 years we would spend \$50 billion on children's health insurance.

It sounds like a lot of money, doesn't it. But when you break it down, \$10 billion a year for children's health insurance is a small investment over the life of that child and over the life of our country. That is what the goal was, and that still is the goal.

Here is the difficulty. We have to deal with the realities of the budget. Senator MAX BAUCUS and others on the Finance Committee—and, frankly, in both parties but mostly on the Democratic side—have worked out an agreement on \$35 billion, which is a very good start. We can grow that, but they deserve a lot of credit for making sure that money was put in the Finance Committee proposal that is still being worked on.

But Here is the problem.

In the face of that bipartisanship 10 years ago, and every year since on children's health insurance—in the face of all the benefits to our economy, not to mention the life of a child, and also in the face of the consensus that is emerging now in this body about the priority of children's health insurance, to get at least the \$35 billion over 5 years—here is the problem. We have a President who thinks something else.

President Bush recently talked about this initiative, to get \$50 billion or even to get \$35 billion, as somehow a federalization of health care for children, which is, I guess, to some people a scary word, a word that causes them concern.

But there are a lot of Governors across this country, Republicans and Democrats, who think otherwise. So I think I have a basic question for the President, and I will conclude with this because he has been misleading people on this issue. Here is the question for the President of the United States. If you can give a tax cut in 1 year for people making over \$200,000 a year, that amounts to \$100 billion, if that is your policy, to give \$100 billion in tax cuts to very wealthy people, why would you not be willing to spend \$10 billion a year for children's health insurance?

That is the question I have for the President. So if this President and this Congress are concerned about a skilled workforce and developing entrepreneurs and people to contribute to our economy, we better make a commitment to children in the dawn of their lives to make sure they can have the skills they need down the road. But even apart from the skills, it is the right thing to do. Mr. President, if you can help the millionaires, the multimillionaires, and the billionaires, why won't you make a full commitment to help the children of America, the working poor and middle-income children?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, the motion now that is pending is the Levin-Reed, et al., amendment. The floor is open for Senators to come and speak on that amendment. I would hope those who have speeches will do that. We need to get to a vote on this amendment early next week. There is no reason this amendment should be the subject of a filibuster with the subject that is on every American's mind. They want us to be able to vote up or down on this amendment. I hope it is not necessary that there has to be a cloture motion, because the Senate should express its will on a subject of this importance. But this is one of the many times that will be available in the next few days to speak on this amendment. We will be here Monday afternoon. We are here now. We will be here Tuesday, obviously, before the meetings of our parties at lunch. But I would hope people would take advantage of this opportunity to come and speak, pro or con, on the pending amendment, because there is no excuse for a filibuster on an amendment of this importance that the entire country is watching. This is one of a number of opportunities we are going to have in the next few days for Senators to express their opinion. I hope they will use this opportunity.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, we know of two speakers who do wish to come over here shortly, about 11:20 and 11:30. We do not know of any other speakers who wanted to be recognized at this point.

We are on the bill now. In a moment I am going to ask consent that we go into morning business, with speakers limited to 10 minutes each. But I want to note my good friend from Virginia has suggested that we make it clear to the body that we are on the bill now. The amendment which is pending is the Levin-Reed, et al., amendment, and that we will, after we leave here today, be returning on Monday, at a time that the leaders will set, to this bill. This bill will be the pending matter. This amendment will be the pending matter on Monday when we return.

I thank the Senator from Virginia for suggesting that we make that clear.

I yield the floor.

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

Mr. WARNER. Mr. President, I concur in the distinguished chairman's observation. I wish to compliment you and the ranking member, Mr. MCCAIN, for the progress you have made this

week on this bill. Having had this responsibility, sharing it with you for these many years, I would say the two of you have done exceptionally well.

Mr. President, also it is my intention—I am doing the final bit of drafting on an amendment by myself, with the distinguished Senator from Indiana, Mr. LUGAR. I hope to be filing that before 12 noon today.

Mr. LEVIN. Mr. President, we also urge colleagues who still have amendments they wish to have considered to bring those amendments here to the floor by noon; to bring them here on Monday, because Senator MCCAIN and I have both spoken on the necessity of getting amendments that are going to be filed to be filed by the end of business on Monday.

We have a lot of amendments we have got to consider. Hopefully we can clear some. But the body would be very—colleagues would be doing the body a favor to get these amendments in if there are any additional amendments they want to consider.

Mr. PRYOR. Mr. President, I rise today in support of Senator LEVIN's amendment to the National Defense Authorization Act for fiscal year 2008. This legislation is long overdue, and I hope all my colleagues will support its swift implementation. I want to thank the chairman of the Senate Armed Services Committee, Senator LEVIN, Senator MCCAIN, and the chairman of the Veterans' Affairs Committee, Senator AKAKA, for their leadership on this issue, and I commend them for the good work they have done. I also want to thank my colleagues for working so closely with me to get this legislation passed.

A few months ago I had the pleasure of introducing the Wounded Warriors Assistance Act of 2007 with my good friend from Georgia, Senator SAXBY CHAMBLISS. Our intent was to correct the injustice done to our returning wounded veterans and to improve the access and quality of health care our military personnel receive. There have been too many cases where our veterans have slipped through cracks in the system, and this is why I support the Levin amendment to H.R. 1585. It is a comprehensive policy of care and management for servicemembers with combat-related injuries or illnesses, a concept which mirrors the intent of the legislation I introduced. I worked on this legislation for a long time, and I am proud to have worked with the Senate Armed Services Committee and Senator CHAMBLISS to put forth meaningful language that has the potential to directly help those who defend our country.

This legislation will provide our veterans with assistance to make sure their medical needs are met and bureaucracy does not interfere with their progress. While this legislation addresses enhanced health care, traumatic brain injury and post-traumatic stress disorder, disability evaluations, and improvement of facilities housing

military patients, this amendment will ultimately restore confidence in the integrity and efficiency of the military medical system and ensure our wounded warriors feel secure in the fact they will always receive committed, quality care. This act will also increase training for health care professionals and medical case managers and make a physician or health care professional available to help veterans navigate the medical evaluation board process, translate findings and recommendations, and explaining medical terms and regulations. This process is a critical crossroad in a service man or woman's career and can be very emotional, confusing, and stressful. I do not believe our returning veterans should have to deal with any more adversity or undue stress while trying to recover from their injuries, and this legislation will make this process easier for them.

Another provision that I am particularly proud of is the section on disability severance pay. This addition expands the population that is eligible for the enhancement of disability severance pay to include injuries incurred during performance of duty in support of combat operations. Oftentimes our military personnel are wounded in training exercises before they are sent into theater, and in current law they are not eligible to receive disability severance pay. For example, if a soldier is wounded while training to fast rope out of a helicopter, he or she will now be fairly compensated for their sacrifice in support of combat operations.

In my home State where 369 Arkansas soldiers have been wounded, my office has provided immeasurable assistance to ensure those veterans get better care. I am honored to support this legislation as it also affects over 25,000 wounded warriors nationwide. I frequently make trips to Walter Reed Hospital, and I visit wounded Arkansans who are some of the most determined and inspiring individuals I have ever met. However, they will still require top notch medical care and a lot of prayer in order to recover, and I want to make sure they get it.

Again, I am proud to support Senator LEVIN's amendment to H.R. 1585, and I am happy to see it adopted into the fiscal year 2008 National Defense Authorization Act. We owe nothing less than the best for our troops who make great sacrifices for defense of this country. I firmly believe this legislation is what we need to reform and modernize the way we care for our wounded soldiers.

Mr. BYRD. Mr. President, yesterday the Senate voted on an amendment offered by Senator SESSIONS, amendment No. 2024, that stated the policy of the United States on the protection of the United States and its allies against the possible threat from the potential development of Iranian ballistic missiles. I supported that amendment, but my vote should not be misconstrued as a blanket endorsement of missile defense installations, nor as support for military action against Iran.

The amendment by Senator SESSIONS noted Iran's continuing work on a nuclear program despite the many concerns voiced by the international community, as well as Iran's development of ballistic missiles of increasing range and sophistication. Iranian success in these two areas might eventually pose a threat to the forward-deployed forces of the United States and NATO allies in Europe. In the longer term, an Iranian nuclear and ballistic missile program could perhaps pose a threat even to the U.S. mainland. I must state clearly and unequivocally, however, that the best way to confront these possible long-term threats is diplomatically. Iran's nuclear and ballistic missile programs are not an imminent threat to United States security by anyone's reckoning. The best defense against an Iranian nuclear weapon is for that weapon never to have been developed. We have time, working together with the international community, to direct Iran toward a more peaceful path. I note the good news being reported in today's newspapers that Iran has agreed to allow IAEA inspectors in to inspect its nuclear facilities. This is a step in the right direction, and we should support these efforts to bring Iran into compliance with its international obligations. We will not tolerate an illicit nuclear weapons program, but neither should we rush headlong into militant provocations.

The Sessions amendment stated the policy of the United States to "develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide protection for the United States, its friends, and its North Atlantic Treaty Organization allies. . . ." Further, the amendment stated that deployment of these defenses should be complementary to any missile defenses that might be deployed by NATO in Europe.

This amendment does not say anything new, and it does not imply a change in U.S. policy. The United States and its allies have been developing missile defenses for many years now. The bill to which this amendment was offered contains an additional \$315 million to accelerate several missile defense programs aimed at protecting the United States and its allies. The Aegis program, the Patriot PAC3, and the THAAD system program will all benefit from those additional funds. Importantly, the underlying bill limits the availability of authorized funding for missile defense installations in Europe until two conditions have been met: one, approval is given by the countries in which missile defense components are to be located; and, two, 45 days have elapsed since Congress receives a report from the Secretary of Defense on the proposed deployment. These requirements will help to ensure that ballistic missile defense programs

are not put in place hastily or unwisely.

I voted for the amendment because I agree with its underlying sentiment, which is that the United States should prepare defenses against foreseeable threats. What I fear, however, is that the votes in favor of this amendment will become fodder for attempts to further increase funding for missile defense programs that are already more than adequately funded and which history has shown us time and again are technologically challenging and cannot be rushed. Over the years, I have seen this tactic used time and again for missile defense programs. It does not matter how much more money is thrown at them, the technology cannot be rushed. Given the demands for funding for troops in harm's way now from mortar rounds, bullets, and IEDs, we must be cautious of attempts to further bloat a program intended to confront a far-off threat that may never materialize. My vote in favor of a policy of adequately preparing for a long term threat over the long term should not be interpreted as support for excessive spending on missile defense development and deployment. Further, it must not be interpreted as a vote suggesting that the situation at this time justifies the President to use military force in Iran.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor the Dignity for our Wounded Warriors Act, which has just been approved as an amendment to the fiscal year 2008 Department of Defense authorization bill. Under the leadership of Senators CARL LEVIN, PATTY MURRAY, and DANIEL AKAKA, we have drafted this comprehensive response to the failures of the Bush administration to properly care for our wounded servicemembers and veterans.

We were all shocked and awed by the sorry state of outpatient care at Walter Reed. More than 22,000 Purple Hearts have been awarded in Iraq. We know now that our troops have been twice wounded—once on the battlefield and again battling a bureaucracy at home.

We know that acute care for our injured troops has been astounding. Our military medical doctors and nurses are performing heroically, giving our troops historic rates of survival against devastating new weapons of war. We owe a debt of gratitude to these military medical professionals and to the medics on the battlefield. But while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system seems dysfunctional.

In March, I visited Walter Reed and met with outpatients at Mologne House. I am so proud of their service and sacrifice for our Nation and so embarrassed by the treatment they have received. We know this problem isn't limited to Walter Reed. It is part of the reckless incompetence of this administration. They took us into this war without a plan for winning it or caring

for those we ask to fight it. That is why the Senate has today taken this important step to provide the care our troops, veterans, and their families have earned.

This is a comprehensive bill to address the treatment and care of injured veterans and servicemembers. To ensure that what happened in Building 18 at Walter Reed never happens again, the bill establishes minimum standards of repair and maintenance for military treatment facilities and outpatient housing. It authorizes at least \$73 million in additional funding to enhance care for traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, including \$3 million for pilot projects to monitor TBI; \$10 million for Centers of Excellence for TBI; and \$50 million for additional TBI and PTSD research. This is in addition to the \$900 million in funding for TBI and PTSD programs added by Congress to the fiscal year 2007 Emergency Supplemental Appropriations Act.

To support a smooth transition for injured troops from military medical care to the Veterans' Administration, this bill also authorizes \$10 million for a joint DOD/VA office for electronic health records and establishes comprehensive readjustment studies for Iraq and Afghanistan veterans by the Defense Department, the Veterans' Administration, and the National Academy of Sciences.

To develop a better understanding of the signature wounds of the wars in Iraq and Afghanistan, the amendment directs DOD to establish Centers of Excellence for TBI and PTSD and to report to Congress on their progress. It requires comprehensive plans for prevention, diagnosis, and treatment of TBI and PTSD as well as long-term studies, clinical trials, and research about mental health, TBI, and PTSD.

Our amendment also addresses the unique needs of female servicemembers by requiring DOD and the VA to take into account the needs of women servicemembers and women veterans in every aspect of patient and veterans care. Every report required by the amendment must include a description of how it specifically addresses the needs of our women warriors. It requires DOD and the VA to review the need for mental health treatment tailored to meet the needs of female servicemembers and veterans and requires the two agencies to develop a joint policy for the treatment and care of mental health, TBI, and PTSD for female servicemembers and veterans.

To cut through the health care bureaucracy, our bill entitles any servicemember or former servicemember with "severe injury or illness" to treatment in any DOD or VA approved medical facility, whatever is closest or most convenient for the patient. It also authorizes military and VA facilities to provide counseling and medical care for families and caregivers who are supporting servicemembers—this is important support for those who have to

travel to a treatment facility in order to support their injured loved one.

To help injured servicemembers transition from DOD health care to the VA system, the amendment requires improved information sharing between agencies and establishes common processes, procedures, and standards between the two agencies. It also institutes a 3-year overlap of healthcare service between DOD and VA for severely injured servicemembers, so no injured servicemember is allowed to fall between the cracks.

This amendment also takes several important steps to improve the quality of care in the VA health care system. It requires the VA to create rehabilitation and reintegration plans for veterans suffering from TBI and to provide nursing home care to veterans with severe cases of TBI. The amendment also extends the window of time during which veterans can seek combat-related medical care, from 2 years to 5 years. This will especially help veterans suffering from PTSD, which can take several years to develop and diagnose.

Mr. President, our Nation has a sacred commitment to honor the promises we make to troops and their families when they answer the Nation's call to duty. I am proud to fight each year to make sure these promises made are promises kept. This amendment honors our Nation's service men and women.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, while the Senator from Virginia is on the floor, I ask unanimous consent that we proceed to a period of morning business, with Senators recognized for up to 10 minutes each.

Mr. WARNER. No objection.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### TOBACCO

Mr. DURBIN. Mr. President, there is hardly a family in America that hasn't had an experience with tobacco and cancer. My family is no exception. When I was 14 years old, my 53-year-old father died of lung cancer. He smoked two packs of Camels a day. He was hopelessly addicted to tobacco, and we lost him at what I now view as a very early age. I can recall, as a student in high school, being in his hospital room when he drew his last, labored breath and the sadness that fell over me on

November 13, 1959. I didn't walk out of that hospital room vowing I would get even with tobacco companies, but I never escaped the memory of that family experience. Many other families have a similar story to tell.

The day came many years later when I had an opportunity, as a new Member of the House of Representatives, to do something. There is another story leading up to that experience. It involves the customary race of Members of Congress for airplanes. We spend most of our life racing through airports. In this particular instance I was in Phoenix, AZ trying to fly to Chicago, long before there were transportation security agencies and people taking off their shoes and X-ray machines. I got to the airport 20 minutes before the plane was about to take off. I raced to the United Airlines counter. A young woman was there and I gave her my ticket.

She said: I will get your boarding pass, but you will have to run to the gate. She gave me a boarding pass. This was 20 years ago. She handed it to me. I looked, and it was a middle seat in the smoking section of the airplane. I knew this was a long flight. I said: I know I have to get down to the gate, but can't you give me a different seat in the nonsmoking section? She said: No, it is the last seat. There is nothing I can do about it. Then she looked down at my ticket and my title and she said: But, Congressman, there is something you can do about it.

I got on the airplane. I sat between two what I now characterize as chain-smoking sumo wrestlers and spent several hours in misery breathing in their secondhand smoke. I looked around the airplane and thought to myself, what about that elderly lady who is up there in the smoking section two rows away; what about that woman with the little baby? This can't be healthy.

I came back to Washington and said to my staff: I want to introduce a bill banning smoking on airplanes. There was silence in the room. Then they said: You are crazy. Nobody beats the tobacco lobby. The entire leadership of the House of Representatives, Democrats and Republicans, doesn't want any tobacco amendments for a lot of political reasons.

Naive and undaunted, I went forward with my quest to ban smoking on airplanes. I had a lot of help along the way. Congressman BILL YOUNG of Florida, who still serves, had been one of the early pioneers in dealing with tobacco and smoking. He courageously stepped forward and said: I will make it a bipartisan amendment, but we don't have a chance. We were both on the Appropriations Committee. I managed to at least create an opportunity for a vote on the floor of the House.

I reached the floor of the House because of another great Congressman, now deceased, Claude Pepper. Claude Pepper served in this Chamber as a Senator. He was defeated and went over and served in the House of Representatives. Claude Pepper was chair-

man of the Rules Committee. He came to my rescue when I was about to lose in the Rules Committee. I never appreciated why he did that, why he gave me a chance to get a vote on this issue, until later when somebody told me that as a Senator in the 1930s, Claude Pepper of Florida had pushed for the creation of the National Cancer Institute. He didn't talk much about tobacco, being a southerner, but it meant a lot to him personally. He more than anyone gave me my chance to bring this amendment to the floor.

So on July 13, 1987, 20 years ago today, I got my chance to offer the amendment to ban smoking on flights of 2 hours or less. In the galleries of the House were seated uniformed flight attendants from major airlines. They were on my side. They were sick and tired of breathing in all the smoke on the airplanes. We came to the floor expecting to lose. I didn't realize at the time that the House of Representatives, and you can add the Senate into the equation, was the largest frequent flier club in America. We spend more time on airplanes than most people. As the amendment was debated, Congressmen started coming forward to speak on behalf of the amendment—some of the most liberal, some of the most conservatives, Republicans, Democrats from all over the country. I could feel the momentum building. The debate went on for a long time, and the vote was finally taken. The vote was 198 to 193. My amendment passed.

After it passed, I called over to the Senate and contacted the man who was chairman of the Senate Appropriations Committee on Transportation, FRANK LAUTENBERG of New Jersey. I said to FRANK LAUTENBERG: Would you consider offering this same amendment in the Senate? He said he would, and he did, successfully.

That amendment changed America. I didn't know it at the time and I don't want to take more credit than is due, but at the end of the debate to ban smoking on airplanes, people started asking obvious questions. If secondhand smoke is dangerous on an airplane, why isn't it dangerous in a train, on a bus, in a hospital, in a school, at a Head Start center, in an office building?

We know what has happened 20 years later. It has now become customary for people not to smoke and unusual to see anyone smoking in an enclosed space that is not their own home. That is a dramatic change. I think it is a change for the better. As a result of that law, which was a challenge to me, America is a healthier place. Our attitude toward tobacco and smoking is much different today than it was.

Last year in my home State of Illinois, a record-breaking 36 cities and counties enacted smokefree laws, more than any other State in the Nation. I am very proud of that. This was a milestone for another reason. We learned the mighty tobacco lobby is not invincible. We proved it on the floor of the

House and the Senate 20 years ago. We are proving it now in city councils and State legislatures across America. This was one of the first times the tobacco industry had ever lost an important rollcall vote on the floor of the House. It showed that Congress could stand up against special interest groups, the wealthy and the powerful, those financing campaigns, and instead vote for the health of all Americans. Twenty years later, smoking is banned on almost all commercial flights worldwide.

I had a funny experience a few years after we passed our law. My wife and I were flying to Portugal through London. We changed planes in London to Air Portugal. The British travelers got on the plane and I was shocked to find they had a smoking section on the airplane. I couldn't believe it. It turned out it was a sign that was put on a seat that said "smoking allowed behind this sign." A group of British tourists got on and saw this sign and couldn't believe it and said to the flight attendant: What is this all about? She answered: If you want to be in a non-smoking section, you sit on this side of the sign; smoking section is on the other side of the sign. One of the ladies said: This will never do. She grabbed the sign and went to the last seat in the plane and put it on that seat.

My wife turned to me and said: Look what you got started.

I don't want to take credit for getting that started, but I am kind of proud of being part of it. I congratulate a number of pioneers in this area. Air Canada was way ahead of us on this issue. Northwest Airlines was one of the first in the Nation to move toward smokefree flights—they deserve special recognition—even before a Federal law was passed.

We need to remind ourselves from time to time about tobacco and cancer and heart disease. We have been lulled into the feeling that this problem is under control. Tobacco-related disease is the No. 1 preventable cause of death in America today. It still is an issue. There are still too many children who take up smoking. I mean literally children. Tobacco companies know that the way to ensnare someone into tobacco addiction is to get them started as kids. Kids, rebellious and curious, turn to tobacco, developing an addiction they don't even understand, finding it hard to quit. They become early, lifelong smokers, and chances are one in three will die because of that habit.

This is still an issue. It is an issue we are going to face soon here in the Senate, because the Finance Committee is considering increasing the tobacco tax on America. I am sure there will be screams that that is unfair to smokers. But I have reached the point now where I have to tell them that there is a great expense associated with their addiction. We also know that increased cost of product reduces the likelihood that kids will use tobacco products. So there is a positive that will come out of it.

We know when it comes to cancer, heart disease, diseases that affect virtually every organ in the human body and, most importantly, impact the life of virtually every family, tobacco is a negative factor.

In 2006, the Surgeon General's report entitled "Health Consequences of Involuntary Exposure to Tobacco Smoke," reaffirmed previous findings. Secondhand smoke causes heart disease, cancer, respiratory problems, and even death. What was once considered impossible is now industry practice. What was once unknown is now conventional wisdom. It is time for us to take the next big step.

Next week my colleagues, as members of the HELP Committee, led by my friend Senator TED KENNEDY, will debate giving the Food and Drug Administration the authority to regulate tobacco.

Most Americans do not know that tobacco has a curious place in the law. It is not considered a food or a drug. If it were a food or a drug, it would be regulated. Those who make the product would have to disclose its contents and would have to put meaningful warning labels on the product. Tobacco has had carved out for it a niche in the law so that requirement does not apply. Nearly every other industry in America that puts public health at risk is regulated by some Federal agency, but not tobacco.

If we are going to continue the fight against big tobacco, and the death and disease which this product creates, if we are going to secure the ability of all Americans to breathe air that is free from secondhand smoke, if we are to affirm the right of all of us to lead healthy and productive lives, we have to take this next step and allow the Food and Drug Administration to regulate this product. We must allow the FDA to regulate an industry that continues to cost us the lives of more than 43,000 Americans and over \$100 billion in health care costs and lost productivity every single year.

Today, there will not be any cakes or parties, but we celebrate the 20th anniversary of a vote in the House of Representatives which has been an important part of my legislative career. This vote, to ban smoking on airplanes, 20 years ago, played an important role in launching the smokefree movement in America. I urge my colleagues to move us closer to finishing the work we have started. We stood up to the tobacco industry then, and we can do it again now.

#### DREAM ACT

Mr. DURBIN. Mr. President, last month we had a controversial and spirited debate over immigration. It went on for several weeks on the floor of the Senate, and many Members of the Senate thought about it and voted one way or the other.

The net result is that nothing happened. That is unfortunate. Everybody

concedes our immigration laws have broken down. About 600,000 illegal people come into the United States each year and stay. Over 20 years, we now have 12 million people. The number continues to grow.

The lure of the United States is overwhelming. It is a lure which brought my grandparents and my mother to this country as immigrants. They wanted to be part of America. They were willing to leave their village in Lithuania and the comfort there for an opportunity. They came here, struggled and sacrificed, as immigrants do. They became Americans, and I think in a small way our family has made a difference in this country.

Now, repeat that story millions of times, and that is who we are as a nation. We are people who were unhappy, dissatisfied with what we had, saw America as a better chance, and came here.

People continue to come here. Our borders cannot hold them back at this moment. So we debated about making those borders stronger, having more enforcement in the workplace. We debated about: How many workers do we need each year to pick our crops and do our work, in addition to the American workforce? And what will we do with the 12 million who are here?

It was a big bill. The debate went on for 3 weeks, which is a long time by Senate standards. At the end of the debate, we could not pass it. We did not have the 60 votes. We were not even close. We had 46 votes cast in favor of comprehensive immigration reform.

There were aspects of that bill, though, that we should not abandon. There were parts of it we have to return to. I think we need to return to enforcement so our borders are safer, so there are fewer undocumented immigrants crossing into the United States. I think we need enforcement in the workplace to make sure employers meet their responsibilities.

But there are several other parts of the bill which we cannot ignore either. Senator DIANNE FEINSTEIN of California has been a leader on the issue of agricultural workers. In her bountiful State, the fruits and vegetables will, frankly, spoil in the fields if they do not bring in workers to pick them and harvest them. Americans are not lining up for these jobs. They are hard, dirty, sweaty, tough jobs. Immigrants will come and do it. They have done it before. She is trying to permit the agricultural workers, under the law, come and do this work. Otherwise, we are going to lose a lot of our agriculture in America.

There is another aspect of the law which is near and dear to me. Consider someone undocumented or illegal who comes to the United States and brings a child. It happens. That child may come at a very early age, maybe a baby in arms, or 1 or 2 years old, and that child will be raised in the United States, go through school, and reach a point in their life where they do not

know any other place but America. They did not choose this country. Their parents chose it. They did not come here because of any thought about being illegal. They came here with their families.

What I tried to do several years ago was to write a law to take into consideration these young people. It is called the DREAM Act. The DREAM Act was a part of this comprehensive immigration reform bill. Here is what it says: If you came to the United States before the age of 16, if you have lived in this country for at least 5 years, if you graduate from high school, and then if you will complete either 2 years of college or 2 years of service in the military, we will give you an opportunity for legal status in America.

I have met these kids—young men and women. What a waste it would be to turn them away. Currently, that is all our law can do—to say to them: If your parents were undocumented and illegal, you have no place in America. At a time when we are importing talent and labor from other places, why would we turn these young people away?

First, they beat the odds. Only half, for example, of undocumented kids graduate from high school. These kids have to graduate from high school to even have a chance to become legal.

Second, they are going to do more with their lives. That is why I wanted to raise the issue very briefly this morning.

On the floor of the Senate, when we return next week, we will resume consideration of the Defense authorization bill. It turns out that many in the Department of Defense believe, as I do, that the DREAM Act is an important part of making certain we have talented young men and women ready to serve in our military. I have spoken to people at the Department of Defense who support the idea of the DREAM Act. I think we ought to include it in the Defense authorization bill. I hope to have that opportunity.

For the tens of thousands of young people across America who want a chance to be part of America, to contribute to America, the DREAM Act is their opportunity. They have to work their way into it. They have to prove themselves or they will not have a chance.

The nice thing about this amendment is both sides of the aisle agree on it. We have strong bipartisan sponsorship of this amendment. Senator CHUCK HAGEL, Republican of Nebraska; and Senator DICK LUGAR, Republican of Indiana; are cosponsors. They agree with me that this is a good move forward and encourage Congress to consider it.

I hope when we return to the Defense authorization bill we can make the DREAM Act part of that bill. Certainly, it is going to help our defense and help our military. I think it is going to help America even beyond that.

Those young men and women, given a chance to serve in the military, will be

citizens of this country someday who will make an important contribution, as all of our veterans do. Those who choose to go to college are on a path to becoming tomorrow's doctors and nurses and researchers and businesspeople—the kind of energy every society needs and the kind of energy that has built this great country we have today.

Mr. President, as I said, I rise to speak about legislation known as the DREAM Act, which I hope to offer as an amendment to the Defense authorization bill.

The DREAM Act is a narrowly tailored, bipartisan measure that I have sponsored with Republican Senator CHUCK HAGEL of Nebraska and Republican Senator DICK LUGAR of Indiana.

I want to thank the cosponsors of this amendment, all of whom are also cosponsors of the DREAM Act: Senators HAGEL, LUGAR, LEAHY, OBAMA, LIEBERMAN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, BAYH, MENENDEZ, MURRAY, BOXER, and CANTWELL.

The DREAM Act would give a select group of undocumented students the chance to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and enlist in the military or attend college for at least 2 years.

The DREAM Act is supported by a broad bipartisan coalition in the Senate, and by military leaders, religious leaders, and educators from across the political spectrum and around the country.

During the 109th Congress, the DREAM Act was adopted unanimously as an amendment to immigration reform legislation that passed the Senate. In the 108th Congress, the DREAM Act was the only immigration reform proposal reported to the Senate floor, on a bipartisan 16-to-3 vote in the Judiciary Committee.

And the DREAM Act was included in the immigration bill that was considered on the Senate floor last month.

Some people might ask why the Senate should revisit immigration again and whether an immigration amendment should be included in the Defense authorization bill. The answer is simple: The DREAM Act would address a very serious recruitment crisis that faces our military.

Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. They are eager to serve in the Armed Forces during a time of war. And under the DREAM Act they would have a very strong incentive to enlist because it would give them a path to permanent legal status.

Let me begin by explaining the recruitment crisis that faces the Defense Department today.

Largely due to the war in Iraq, the Army is struggling to meet its recruitment quotas.

Just yesterday, the Army announced that it had missed its recruiting goal

for June. The Army fell more than 1,000 recruits short of its monthly quota of 8,400. And this is the second straight month that the Army has missed its recruitment target.

Because of these recruitment difficulties, the Army is accepting more applicants who are high school dropouts, have low scores on the military's aptitude test, and have criminal backgrounds.

The statistics speak volumes. In 2006, almost 40 percent of Army recruits had below average scores on the military aptitude test. That is the highest rate since 1985.

In 2006, almost 20 percent of Army recruits did not have a high school degree. This is the highest rate of high school dropouts enlisting in the Army since 1981. By comparison, from 1984 to 2004, 90 percent or more of Army recruits had high school diplomas.

Why does this matter? The Army says high school graduation "is the best single predictor of stick-to-it-iveness" that is required to succeed in the military.

And Charles Moskos, a Northwestern University sociologist who is an expert in military culture, said "the more dropouts [who enlist], the more discipline problems" the Army is likely to have.

Even more disturbing, the number of so-called moral waivers for Army recruits who have committed crimes has increased by 65 percent in the last 3 years, from 4,918 in 2003 to 8,129 in 2006. Many of these waivers are for serious crimes such as aggravated assault, burglary, robbery, and vehicular homicide.

In fact, individuals with criminal backgrounds were 11.7 percent of the 2006 recruiting class.

In contrast, under the DREAM Act, all recruits would be well-qualified high school graduates with good moral character.

Let me explain in more detail how the DREAM Act would work.

Currently, our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to our Nation's future. Their parents brought them to the United States when they were children. For many, this is the only home they know. They are fully assimilated into American society and they want nothing more than to be Americans.

They have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent compared to 21 percent for legal immigrants and 11 percent for native-born Americans.

These children have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they will make in their lives. They are junior ROTC leaders, honor roll students, and valedictorians. They are tomorrow's soldiers, doctors, nurses, teachers, and Senators.

Over the years, I have met many of these DREAM Act kids, as they call

themselves. Let me give you one example. Oscar Vasquez was brought to Phoenix, AZ, by his parents when he was 12.

Oscar is a born leader and was naturally drawn to the military. He spent his high school years in Junior ROTC, and dreamed of enlisting in the military. At the end of his junior year a recruiting officer told Oscar that he was ineligible for military service because he was undocumented.

Oscar was devastated, but he found another outlet for his talent. Two energetic science teachers had enrolled Oscar's high school in the college division of a robot competition sponsored by NASA.

Oscar and three other undocumented students worked for months in a windowless storage room in their high school, and tested their invention at a scuba training pool on the weekends. Competing against students from MIT and other top universities, Oscar's team won first place in the robot competition.

Oscar has since graduated. He hangs sheetrock for a living; it is the best job he could get without a college education or the opportunity to enlist in the military. He hopes to save his money and study engineering at Arizona State University some day.

Couldn't America use Oscar's talent? Couldn't our military use someone like Oscar?

The DREAM Act would help students like Oscar. It is not an amnesty. It is designed to assist only a select group of young people who would be required to earn their way to legal status.

The fundamental premise of the DREAM Act is that we should not punish children for mistakes that their parents made. That is not the American way.

The DREAM Act says to these students: America will give you a chance. We will give you the opportunity to earn your way to legal status if you meet the following requirements: came to the United States when you were 15 or younger; have lived here for at least 5 years; have good moral character; graduate from high school; and serve in the military or attend college for at least 2 years.

The DREAM Act doesn't mandate military service. A student who is otherwise eligible could earn legal status by attending college. It would be inconsistent with the spirit of our volunteer military to force young people to enlist as a condition for obtaining legal status.

But the DREAM Act creates a strong incentive for military service. And many DREAM Act kids come from a demographic group that is already predisposed towards military service. A 2004 survey by the Rand Corporation found that 45 percent of Hispanic males and 31 percent of Hispanic females between ages 16 and 21 were very likely to serve in the Armed Forces, compared to 24 percent of White men and 10 percent of White women.



It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military, and about 8,000 more enlist each year.

A recent study by the Center for Naval Analyses concluded:

Non-citizens have high rates of success while serving [in the military]—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.

The study also concluded that there are additional benefits to enlisting noncitizens. For example, noncitizens “are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the Global War on Terrorism.”

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrant students with great potential and ambitions to contribute to the military and other sectors of American society.

The Pentagon recognizes that. We have worked closely with them on the DREAM Act.

Bill Carr, the Acting Undersecretary of Defense for Military Personnel Policy, recently said that the DREAM Act is “very appealing” to the military because it would apply to the “cream of the crop” of students. Mr. Carr concluded that the DREAM Act would be “good for [military] readiness.”

And last year, at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Undersecretary of Defense for Personnel and Readiness, testified as follows:

There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the U.S. at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military. . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness, and moral qualifications. . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at the U.S. Military Academy at West Point, said:

Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces. . . . passage of this bill could well solve the Armed Forces’ enlisted recruiting woes.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

It’s a substantial pool of people and I think it’s crazy we are not tapping into it.

These experts are right. DREAM Act kids are ideal recruits: they are high

school graduates, they have good moral character, and they desperately want to serve this country. At the time when the military has been forced to lower its standards due to recruitment shortfalls, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and national security, or we can relegate them to a future in the shadows, which would be a loss for all Americans.

Mr. President, I encourage my colleagues to consider the DREAM Act as an amendment to this Defense authorization bill as part of our national security. We will have a chance to debate it in its entirety, and I will return to it when we come back to this bill next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise to speak for a while on the pending business before the Senate this past week and next week, which is the Defense authorization bill.

Now, constituents, people who have been watching the proceedings of the Senate for the last week, might be a little confused because if they know a little bit about how the Senate has historically done its business, they know the Defense authorization bill is the bill we adopt each year to set the policies and the spending priorities for the Defense Department to ensure our national security will remain strong for the next year.

However, this year, instead of talking about the acquisition of equipment we need, the new aegis cruisers we are going to be sending around the world—deploying to ensure we have a missile defense that is not only on land but on the seas—instead of talking about the space test bed—a research project that enables us, among other things, to find out how to deal with antisatellite weapons that the Chinese, for example, might use to destroy our satellites—or instead of talking about the need to increase the number of our military—primarily, our soldiers and marines—by about 90,000, so we have a more robust military to have boots on the ground anywhere in the world—instead of debating these various issues about our military posture, we have spent almost the entire week focused on what, the argument about the Iraq war.

Now, it is perfectly appropriate to debate issues relative to the war against terrorists. Certainly, the main battlefield in that war against terrorists today is Iraq. But it seems to me our focus is a little off when, instead of looking at the things we could do to make the United States more secure—by focusing on this Defense authoriza-

tion bill and the specific elements of it—we are, instead, focusing on arguments about how quickly to withdraw from Iraq.

We have in place a new strategy in Iraq. At the end of last year, after the election, when Secretary Rumsfeld left his position as Secretary of Defense, the President said: All right, I believe we have not had a successful strategy, and we are going to have a new strategy.

That strategy was announced in January, sometimes called the surge. But what it involved was a combination of involving Iraqis more in the defense and securing of their country and the application of a very focused U.S. force of increased strength in specific areas of the country, not just to take those areas but to hold them once they were taken.

In the past, we would move into an area, we would clear it of the enemy, and then, after a few days, we would leave. What happened? The enemy would filter right back into the same areas, sometimes establishing an even stronger presence than they had before.

That, obviously, did not work, and the President realized it. Everybody in the country said: The election results show you need to have a new strategy. So the President, working with the Iraqis, working with General Petraeus—David Petraeus was confirmed unanimously by the Senate to go over and develop and execute a new strategy. Working with them, the President devised this new strategy of taking and holding the key areas of Iraq so peace and stability could be brought to that war-torn country. The opportunity for the Government then to grab hold of the situation and do the things it needs to do would be given full effect.

That strategy counted on five new brigades of U.S. forces, consisting of over 25,000 on-the-ground servicemen, going in to join with about twice as many Iraqi Army and police units to effectuate this strategy of clearing and holding and maintaining control that I mentioned before.

That strategy, finally, about 2 weeks ago, has been put in full force, with the arrival of the last of the five brigades. They have gone into both Anbar Province, which is almost a third of the country of Iraq, largely controlled by—it is called a Sunni area, and largely controlled by tribal leaders—and into Baghdad, which is, obviously, the primary population center of the country, where a lot of the previous Shiite and Sunni conflict was occurring.

What have we seen in the debate over the Defense authorization bill? We have seen attempt after attempt after attempt from the other side of the aisle to declare the war lost, the strategy a failure, and, therefore, a commitment by the Senate to direct the President to begin bringing the troops home.

Next Tuesday—I believe it is Tuesday—we will actually vote on an



amendment that has as its specific directive a mandate that we begin bringing the troops home within a very specific time—I believe it is 120 days now—and that withdrawal be complete within roughly a year—again, I have forgotten the exact date—clearly, predicated on the notion that we have either lost or cannot win, that there is no point in allowing this new strategy to play out to see whether it can succeed, and to tell the entire world we are leaving Iraq.

Now, they put a little pink ribbon around it and said: Oh, we will leave some forces over the horizon so we can ride to the rescue if anything bad happens—as if there is not a clear common understanding that a lot bad will, of course, happen or the need to maintain some presence to help train Iraqi troops.

I ask unanimous consent to have printed in the RECORD an article by Stephen Biddle dated July 11 that was carried in the Washington Post.

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

[From washingtonpost.com, July 11, 2007]

IRAQ: GO DEEP OR GET OUT  
(By Stephen Biddle)

The president's shaky political consensus for the surge in Iraq is in danger of collapsing after the recent defections of prominent Senate Republicans such as Richard Lugar (Ind.), Pete Domenici (N.M.) and George Voinovich (Ohio). But this growing opposition to the surge has not yet translated into support for outright withdrawal—few lawmakers are comfortable with abandoning Iraq or admitting defeat. The result has been a search for some kind of politically moderate “Plan B” that would split the difference between surge and withdrawal.

The problem is that these politics do not fit the military reality of Iraq. Many would like to reduce the U.S. commitment to something like half of today's troop presence there. But it is much harder to find a mission for the remaining 60,000 to 80,000 soldiers that makes any sense militarily.

Perhaps the most popular centrist option today is drawn from the Baker-Hamilton commission recommendations of last December. This would withdraw U.S. combat brigades, shift the American mission to one of training and supporting the Iraqi security forces, and cut total U.S. troop levels in the country by about half. This idea is at the heart of the proposed legislative effort that Domenici threw his support behind last week, and support is growing on both sides of the aisle on Capitol Hill.

The politics make sense, but the compromise leaves us with an untenable military mission. Without a major U.S. combat effort to keep the violence down, the American training effort would face challenges even bigger than those our troops are confronting today. An ineffective training effort would leave tens of thousands of American trainers, advisers and supporting troops exposed to that violence in the meantime. The net result is likely to be continued U.S. casualties with little positive effect on Iraq's ongoing civil war.

The American combat presence in Iraq is insufficient to end the violence but does cap its intensity. If we draw down that combat presence, violence will rise accordingly. To be effective, embedded trainers and advisers must live and operate with the Iraqi soldiers

they mentor—they are not lecturers sequestered in some safe classroom. The greater the violence, the riskier their jobs and the heavier their losses.

That violence reduces their ability to succeed as trainers. There are many barriers to an effective Iraqi security force. But the toughest is sectarian factionalism. Iraq is in the midst of a civil war in which all Iraqis are increasingly forced to take sides for their own survival. Iraq's security forces are necessarily drawn from the same populations that are being pulled apart into factions. No military can be hermetically sealed off from its society—the more severe the sectarian violence, the deeper the divisions in Iraqi society become and the harder it is for Americans to create the kind of disinterested nationalist security force that could stabilize Iraq. Under the best conditions, it is unrealistic to expect a satisfactory Iraqi security force anytime soon, and the more severe the violence, the worse the prospects.

The result is a vicious cycle. The more we shift out of combat missions and into training, the harder we make the trainers' job and the more exposed they become. It is unrealistic to expect that we can pull back to some safe yet productive mission of training but not fighting—this would be neither safe nor productive.

If the surge is unacceptable, the better option is to cut our losses and withdraw altogether. In fact, the substantive case for either extreme—surge or outright withdrawal—is stronger than for any policy between. The surge is a long-shot gamble. But middle-ground options leave us with the worst of both worlds: continuing casualties but even less chance of stability in exchange. Moderation and centrism are normally the right instincts in American politics, and many lawmakers in both parties desperately want to find a workable middle ground on Iraq. But while the politics are right, the military logic is not.

Mr. KYL. The reason I want to put this article in the RECORD is that it very clearly points out the problem with the strategy of many of the Democrats that I have just outlined, including the notion that somehow you could reduce our forces by perhaps half or more and still achieve this goal of defeating al-Qaida and training up the Iraqi units.

One of Biddle's key points is that the only way you can successfully train up these Iraqi units is having relative stability in the country, that if you have an out-of-control war going on, you have to be fighting that war, and it is very difficult to at the same time be training up these forces. The best way to train the Iraqi military is to work in conjunction with U.S. units, as General Petraeus has devised, go into an area, clear it, and then leave primarily Iraqi units behind to continue to maintain control in the area. But if you have constant fighting and you haven't been able to clear or hold the area, those Iraqi troops never have that opportunity or the experience of holding the area.

So, as Mr. Biddle points out, you can't have it both ways. This compromise may satisfy some political requirements back home, but it is totally unworkable in the place where it matters, and that is in Iraq. You can't withdraw half or more of the troops quickly and have any chance of success

in maintaining peace and stability and in helping to train up the Iraqi forces.

So why are people in the Senate focused on bringing the troops home or otherwise micromanaging the way the President deploys the units to achieve the mission's objectives? Well, it is either one of two things. Now, from outside this body, I know there are a lot of people who have a motive of trying to make the President look bad and undercutting his authority and undermining the strategy he is following, I gather both for partisan reasons and because they just don't think it can work. But within the body, here in the Chamber, I know my colleagues do not want any American life to have been lost in vain and that they treasure every life that has been put on the line. That is why it is troublesome to me to have to defeat amendments which have as their core point undercutting the President's authority, micromanaging the war from the Congress, and specifically calling for early withdrawal, and by early I mean before the surge has even had an opportunity to play out.

In that regard, I would like to place in the RECORD a piece that was carried this morning in the Washington Post by Charles Krauthammer, and I ask unanimous consent that it be printed in the RECORD.

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

[From washingtonpost.com, Jul. 13, 2007]

DESERTING PETRAEUS

(By Charles Krauthammer)

“The key to turning [Anbar] around was the shift in allegiance by tribal sheiks. But the sheiks turned only after a prolonged offensive by American and Iraqi forces, starting in November, that put al-Qaeda groups on the run.”—The New York Times, July 8.

Finally, after four terribly long years, we know what works. Or what can work. A year ago, a confidential Marine intelligence report declared Anbar province (which comprises about a third of Iraq's territory) lost to al-Qaeda. Now, in what the Times's John Burns calls an “astounding success,” the tribal sheiks have joined our side and committed large numbers of fighters that, in concert with American and Iraqi forces, have largely driven out al-Qaeda and turned its former stronghold of Ramadi into one of the most secure cities in Iraq.

It began with a U.S.-led offensive that killed or wounded more than 200 enemy fighters and captured 600. Most important was the follow-up. Not a retreat back to American bases but the setting up of small posts within the population that, together with the Iraqi national and tribal forces, have brought relative stability to Anbar.

The same has started happening in many of the Sunni areas around Baghdad, including Diyala province—just a year ago considered as lost as Anbar—where, for example, the Sunni insurgent 1920 Revolution Brigades has turned against al-Qaeda and joined the fight on the side of U.S. and Iraqi government forces.

We don't yet know if this strategy will work in mixed Sunni-Shiite neighborhoods. Nor can we be certain that this cooperation between essentially Sunni tribal forces and an essentially Shiite central government can endure. But what cannot be said—although it is now heard daily in Washington—is that

the surge, which is shorthand for Gen. David Petraeus's new counterinsurgency strategy, has failed. The tragedy is that, just as a working strategy has been found, some Republicans in the Senate have lost heart and want to pull the plug.

It is understandable that Sens. LUGAR, VOINOVICH, DOMENICI, SNOWE and WARNER may no longer trust President Bush's judgment when he tells them to wait until Petraeus reports in September. What is not understandable is the vote of no confidence they are passing on Petraeus. These are the same senators who sent him back to Iraq by an 81 to 0 vote to institute his new counterinsurgency strategy.

A month ago, Petraeus was asked whether we could still win in Iraq. The general, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed he would not be risking the life of a single soldier.

Just this week, Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable. Deluded in that, as the best-positioned American in Baghdad, he still believes we can succeed. Or dishonorable in pretending to believe in victory and sending soldiers to die in what he really knows is an already failed strategy.

That's the logic of the wobbly Republicans' position. But rather than lay it on Petraeus, they prefer to lay it on Prime Minister Nouri al-Maliki and point out his government's inability to meet the required political "benchmarks." As a longtime critic of the Maliki government, I agree that it has proved itself incapable of passing laws important for long-term national reconciliation.

But first comes the short term. And right now we have the chance to continue to isolate al-Qaeda and, province by province, deny it the Sunni sea in which it swims. A year ago, it appeared that the only way to win back the Sunnis and neutralize the extremists was with great national compacts about oil and power sharing. But Anbar has unexpectedly shown that even without these constitutional settlements, the insurgency can be neutralized and al-Qaeda defeated at the local and provincial levels with a new and robust counterinsurgency strategy.

The costs are heartbreakingly high—increased American casualties as the enemy is engaged and spectacular suicide bombings designed to terrify Iraqis and demoralize Americans. But the stakes are extremely high as well.

In the long run, agreements on oil, federalism and de-Baathification are crucial for stabilizing Iraq. But their absence at this moment is not a reason to give up in despair, now that we finally have a counterinsurgency strategy in place that is showing success against the one enemy—al-Qaeda—that both critics and supporters of the war maintain must be fought everywhere and at all cost.

Mr. KYL. Mr. President, what Charles Krauthammer, who is a very knowledgeable analyst and writer on this subject, has said is that the Petraeus plan has the makings of a successful strategy, it has already begun to show some positive results, and that it would be folly to declare it a failure before it even has a chance to play out.

Everybody knows General Petraeus is going to report back to the Congress

and to the President in September of this year, and he will be accompanied by Ambassador Crocker, our Ambassador to Iraq, who will give us a report on the status of the situation. Now, it has never been contemplated that that is the end of the matter by any stretch of the imagination since it will have only been a few months since the strategy will have been in place, but at least he can give us an idea of how it is working. Why anybody would want to set a different course now, before he gives that report, is beyond me and certainly beyond Charles Krauthammer.

Krauthammer points out that this new strategy has already begun to show success. For example, in the Anbar Province, which was an area that was almost exclusively controlled by al-Qaeda—let me digress for just a moment to make this point. We heard discussions several months ago about a civil war in Iraq. It is true, there were elements of Sunni and Shiite Iraqis who were fighting each other, and some were calling that a civil war. But two things are important to know about that.

The first is that much of that fighting was instigated by al-Qaeda. Al-Qaeda had come into the Sunni areas and had a declared intention to start a fight between the Shiites and the Sunnis. When the fight didn't materialize, al-Qaeda went to Samarra, a holy place for Shiites, and blew up one of their most revered shrines, the Golden Mosque. In fact, it has been twice attacked, thus, in effect, poking the nose of the bear to the point that the bear had to react, and the Shiites did react. They said: If the Iraqi Army cannot protect our holy sites, by golly, we will—or whatever the Iraqi phrase is—and they created militias that began attacking Sunnis, and we did have a lot of Shiite on Sunni and vice versa violence. But the first point is it was largely instigated by al-Qaeda, who knew precisely what it was doing and had a declared strategy to begin that fight. We have the intelligence to demonstrate that.

The second point is that al-Qaeda, since that violence has to some extent now subsided because of the surge—we have gone into these Shiite neighborhoods, for example, and we have persuaded the Shiite leadership to stop the militias from acting, stop the violence, and calm the neighborhoods down so that life can return to normal, and in at least half of Baghdad that has now been what is occurring.

In the Sunni areas, we went to the tribal leaders there and said: Look, al-Qaeda is causing you more problems than it is solving. Eventually, these tribal leaders came back to our troops and to the Iraqi leadership and said: You are right. We have now seen what life under al-Qaeda would be like as a Taliban kind of rule, where they don't let us do anything; they impose this very harsh penalty on anybody who isn't conforming to their way of life.

Most of the al-Qaida are coming into Iraq from other countries. They are foreigners to the Iraqis, and many of these tribal sheiks, almost all of them in the Anbar Province, said: We are tired of dealing with these al-Qaida terrorists, and we want to join you in fighting them. By the hundreds and thousands, young Iraqis began joining the police and army to fight al-Qaida. And Anbar Province now, as Charles Krauthammer details in his article and as our intelligence has also made very clear, has become one of the strongest anti-al-Qaida areas in the country. It has largely been pacified. It is a good example of how this new strategy can work.

What Krauthammer says is: We don't know yet if this same strategy will work in the next Sunni-Shiite areas, but we can see how it has worked and how it could work if we allow time for the Petraeus plan to play out. He points out that a month ago, Petraeus was asked whether we could still win in Iraq. I am going to quote here:

The General, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed, he would not be risking the life of a single soldier.

That is a very important concept for us to remember back here because when people talk about supporting the troops, it seems to me the first type of support we should be providing is the moral support for these soldiers, to support their mission, not only to provide everything they need in terms of material support and training but to assure them they are not risking their lives in vain, that we will continue to support the mission we have sent them on that they think they can win and believe they are winning. The worst thing we could do is to have expressions here in the Senate that we think they have lost or that they can't win, and therefore we want to begin declaring defeat and leaving the battlefield. At that point, as it was back in Vietnam, it becomes a question of who is the last man out and who is the last person to risk death, for what? For a timetable? That cannot be why we send young men and women into combat, into harm's way.

For those who believe it is already lost or that it is a failure and that we cannot succeed, I say to them, you have an obligation, then, to try to bring them home immediately because not 1 more day should pass for people to risk life for nothing more than a timetable. I don't happen to believe that. General Petraeus doesn't happen to believe that. I believe we can allow the Petraeus plan to have the time it needs to show that it can succeed, not just in Anbar Province but in other places in Iraq as well.

Let me quote another couple of sentences from Krauthammer's article:

Just this week Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—

Krauthammer says—

the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable.

Well, he is clearly not deluded or dishonorable.

I regret that some of my colleagues believe the only way to resolve the situation in Iraq is to begin leaving now. That would be a strategy for failure.

I ask my colleagues this: We have in this body made pronouncements that we need to help people in places such as Darfur where there is genocide occurring, and we have always tried to help people, whether it be in Kosovo or Afghanistan or—and incidentally, isn't it interesting that in two of those places, we are talking about largely Muslim countries, and in places such as Somalia, also a predominance of Muslims—we cannot as a nation ignore what would happen in Iraq were we to leave prematurely. Almost all of the intelligence in the Baker-Hamilton report which is cited by many of my colleagues confirms this as well, acknowledges that if we leave Iraq before the Iraqis can maintain peace and stability, the kind of genocide and killing and terrorism that would ensue would be almost incalculable. Thousands, if not hundreds of thousands and more, would die. Many believe that blood would be on our hands if we are the ones who walk out before they have the ability to prevent that kind of violence.

Al-Qaida clearly is the primary enemy now. As I talked about before, the largely Shiite-Sunni violence has subsided to a significant degree, and most of what is occurring against our forces and against other Iraqis today is being perpetrated by al-Qaida—Al-Qaida in Iraq. If we leave and al-Qaida in Iraq is allowed basically a free hand, most predict that it will have created a situation where, like it did in Afghanistan, al-Qaida will have the ability to train, to plan attacks, and to have refuge from any kind of action to stop them from doing so. They would also have access to the oil wealth of the country of Iraq and to the other resources of the country. To the extent that anybody in Iraq has tried to be a friend of the United States or cooperate with the Iraqi Government—all of those people, remember, with the purple thumbs—would be targeted by the thugs and terrorists who would reign in Iraq. They would undoubtedly be executed.

Think of Saddam Hussein's regime. Think back when the North Vietnamese came sweeping into South Vietnam and all of the boat people fled and those who didn't get away were sent to the "reeducation camps" or killed. Think of Cambodia, when we left there with 3 million Cambodians killed.

Were we to leave Iraq, hundreds of thousands, if not millions, of people will die—largely innocent people. That blood will be on our hands.

Mr. President, that is not the worst of it. The U.S. security will have been significantly jeopardized because we will have ceded the central battle in the war against the terrorists to the terrorists. We will have been defeated by the terrorists, much more than their sneak attack on September 11 defeated us. It killed 3,000 Americans. It was, like Pearl Harbor, the attack that awoke the "sleeping giant" to finally recognize that after having been attacked, I believe, six times previously by al-Qaida, we finally realized we are in a war with those people. Whether we want to fight or not, they are going to attack us, and we better fight back.

We began to do that. I fear that there is a tiredness beginning to seep into some around the world—and even among some Americans—in fighting this enemy that is very elusive and generally doesn't fight us on the battlefield but, rather, waits and waits and, as soon as we relax, engages in a sneak attack. They have tried to do it against our allies. They have done it in Great Britain and in Spain, for example. Other activities have been thwarted. We have been fortunate because our homeland security has thwarted those attacks here at home.

We are not always going to have a battlefield on which to confront them. What confuses me is the argument of some of my colleagues that we should cede the one place where they have directly confronted us on the battlefield in Iraq—cede that battle to the enemy by prematurely withdrawing our troops and somehow reconfiguring our effort to fight them in a different way at a different place. The argument that, if we leave Iraq, we can focus on them in Afghanistan is a false choice. We are fighting them in both places. If we need more elements of support in Afghanistan, then we should send them there. That is supposed to be a NATO exercise, and a lot of our NATO friends could be doing more there to help us. I think we could use more help there.

It is a false argument to say we should not fight them in both places, when the enemy has finally come out onto the battlefield and is confronting us in the one area where we can defeat them with the U.S. military. Nobody can beat our military, the best military in the world and that has ever existed. Al-Qaida is no match for our military. When they are willing to basically come out of their holes and confront us in Iraq, for us not to directly attack, kill, or capture as many of them as possible would be the ultimate in negligence and fecklessness in fighting the war against terrorists. They are the terrorists; they are there. We are able to kill them there. Why we would not engage the enemy in the place where there are the most of them is beyond me.

Now, what that means is that we are putting our young men and women in harm's way. They have volunteered for this mission in which they believe deeply because they have looked into

the eye of the enemy and have seen the evil that is there, and they have been willing to lay their lives on the line. Given that fact, and given the fact that we have a brilliant commander with a strategy that appears to be working, why would the United States Congress pull the rug out from under the operation of General Petraeus and our troops when they have their hands around the neck of the enemy and can deal a very severe blow to this evil enemy? That is beyond my comprehension. It takes nothing from the argument that we should be engaged in intelligence operations around the world, that we should be trying our best to get Osama bin Laden, and their argument suggests that somehow we are not. That denigrates the efforts of our special forces and others who, believe me, are trying their very best to get this guy and the other leadership of al-Qaida. But to somehow suggest that we should leave Iraq because the enemy exists in other places is not only totally illogical but, as I said, would be a very feckless approach in trying to win this war against the terrorists.

Another thing that bothers me relates directly to the bill we are debating. We are going to see it next week, and we saw it this morning. It is the notion that has begun to creep into the discussion that maybe this is not really a war at all. One of the candidates for President called this just a bumper sticker. Well, their effort to make this a criminal enterprise—in other words, to criminalize the war rather than treat it as the war that it is—is very troublesome to me.

This morning, we had an amendment that was drafted to provide that instead of a \$25 million reward to get Osama bin Laden, it upped it to \$50 million for the capture or information leading to the capture of Osama bin Laden.

Mr. President, I was not aware there was a limit on time.

The PRESIDING OFFICER. There is a 10-minute time limit on morning business.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 5 more minutes.

Mr. BROWNBACK. Mr. President, how much time is left in total?

The PRESIDING OFFICER. There is a 10-minute limitation on each speaker, and if it is not objected to, the Senator may continue to speak.

Mr. KYL. I wasn't aware that Senator BROWNBACK was here. I ask unanimous consent to speak for another 3 minutes.

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

Mr. KYL. Mr. President, this amendment was drafted to provide money for the capture or information leading to the capture of Osama bin Laden. Senator SUNUNU and others looked at that and said: Wait a minute, this is a war. It may well occur that we cannot just capture him, he may have to be killed. So we added the words "or death" to

the amendment by a second-degree amendment. That was adopted this morning.

Next week, we are going to get right back to the argument about criminalization versus war. There is in the bill—and we are going to have to strike the language with an amendment—language that requires us to send lawyers over to Iraq and Afghanistan to represent these terrorists we capture on the battlefield. We would have to give them legal representation in theater, and we would have to show them classified information that may be used in their prosecution or continued detention.

Mr. President, I have said that is nuts. I hate to use that kind of a phrase on the Senate floor, but I don't think it represents good policy. We are going to have to strike that language from the bill. That is criminalization of the war. This is a war against evil people who will kill us if they can. The sooner we recognize that fact and deal with them, the sooner we will defeat the enemy, and the enemy will no longer represent a threat to us. We cannot assume they don't really mean it. We cannot assume we can negotiate with them. We cannot treat them as if they are defendants in an American criminal trial. They are evil terrorists who deserve to be dealt with on the battlefield, as we have dealt with, historically, all of our enemies.

So I hope that next week we can turn from some of the amendments that have been used here to primarily undercut the strategy in dealing with the Iraq war and debate some key provisions of the Defense authorization bill, which do need our attention—I have a couple of amendments I hope we can deal with—and that we can also strike from the bill the provision that would allow a new theory of criminal law to intrude into the battlefield to deal with the POWs or detainees there as if they are criminal defendants in an American court rather than the POWs or enemy detainees that, in fact, they are.

I hope at the conclusion of the debate next week we will have continued to defeat these amendments that undercut our efforts in Iraq, continued to support the mission of the troops, and thereby the troops, and strengthened the Defense authorization bill so that for the next year we will have a bill that strongly supports the troops and provides for the national security of the United States of America.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to make a few comments. I appreciate the Chair staying here and facilitating this and allowing us to speak about a very important issue—the key issue of our time—the war in Iraq and what is taking place there.

I want to focus my brief comments on what we need to do on a political solution. I think we are caught up with the idea that we need to be on a mili-

tary solution. A military solution is not going to ultimately solve the situation in Iraq. You have to have a political, durable solution. Unless we are willing to sit there for an indefinite number of years with troops engaged in a very active military setting, we have to get a political, durable situation in Iraq and on the ground if we are going to be realistic about what we are going to do.

I have worked with Senator BIDEN on this proposal. I will talk about a resolution that we have worked together on for a political solution. He chairs the Foreign Relations Committee. I have been on that committee for a number of years. I think we have to re-allocate the population we are dealing with. The situation is not dissimilar, in some respects, to when we saw what took place in the former Yugoslavia. We had a number of different populations where history had washed over that place with different waves of different individuals' thoughts and philosophies. After Tito leaves and you take off this big military apparatus and intelligence apparatus that was willing to kill people to enforce power, you are left with sectarian groups that don't get along. Now Yugoslav has six countries in two autonomous regions after hundreds of thousands of people were killed and multiple sets of civil wars that took place. I think that is instructive from the standpoint of that is what takes place when you take a big military apparatus off of areas where you have nonuniform or a homogenous region. We are seeing this in Sudan. You have in Sudan a north dominated by Arab and Muslim and a south that is Black and Christian, by and large. They don't get along. There were 2 million killed in the south. The south is going to secede. You have genocide in Darfur by this government—a militant Islamic regime in Khartoum. The world is growing in awareness of what is taking place in Darfur.

I think we have to recognize the situation in Iraq and that you have several different populations. The Kurdish population is separate and distinct and operating in its own area and doing a nice job. There is growth taking place there—not everywhere, but it is doing pretty well. You have a mixed Sunni and Shia population in the rest of the country—dominant Sunni in some areas and dominant Shia in others, and Baghdad is a mixed federal city. I think we have to look at that situation and recognize the mixture and the combustibility of that mixture and get to a more durable political solution.

You are seeing now an ongoing migration of Iraqis inside their own country, which I think suggests Iraq will eventually do what would be called a soft partition. That is the logical thing that would take place, and it is taking place today. There is an outcome of many historical precedents—most notably in Bosnia in the 1990s. Senator BIDEN and I introduced a resolution calling on Iraqis to reach an agreement

that would formalize a federal system in Iraq consistent with their Constitution that would allow for Kurds, Sunnis, and Shia to manage their own affairs, with Baghdad remaining a federal capital city.

It is increasingly clear to me that we should start taking interim steps now to facilitate a three-state, one-country solution in Iraq. We should begin by acknowledging that many Iraqis whose lives are threatened because of their sectarian affiliation are on the move. More Iraqis are facing sectarian violence and are considering moving. As tragic as these movements seem now, they are preferable to the mass migration that would occur if Iraq were to implode.

There are steps we can take now to ease the process of internal migration. We can start by authorizing our commanders on the ground to help families who express a desire to relocate to areas where they would join a sectarian majority. Relocating families will require secure passage to safer areas and reliance probably on economic assistance to reestablish them. Those who wish to relocate should be assisted in this fashion.

I don't expect that the Iraqi people will create three completely homogeneous regions. In fact, the level of Sunni and Shia marriage would preclude such an outcome. We should be attentive to those who believe security is enhanced by moving out of mixed neighborhoods, where they do not face the danger of sectarian violence.

Indeed, there was reporting of people swapping houses who were Sunni in a dominant Shia area, and Shia in a dominant Sunni area, so they would feel more secure after one of their families had been killed or kidnapped. I think that makes sense. As populations continue to move, we also need to take steps to avert other aspects of an implosion. We need to ensure that the Kurdish region, which has been a bedrock of stability to this point, remains a stable area. Turkey is rightly concerned about the threat of terrorism coming from across the Iraqi border. We need to reassure them, and we should bolster counterterrorism capabilities of Iraqi forces deployed in that region—much as we have done in Georgia and in other nations where terrorists tried to establish a safe haven and destabilize their region. Our military strategy certainly depends on a stable Kurdish region. Our political vision of Iraq also requires the Kurdish area to remain strong, and I hope we can move quickly to address terrorism issues there.

There are other steps we should take to prepare Iraq for a federal political settlement. We must take additional steps to secure the Iraq-Iranian border, which would be of great benefit to the troops executing the surge, as well as mitigate any attempt Iran might make or thinks that it has to exploit a future three-state, federal version of Iraq.

Last, we should place new emphasis on local and provincial elections in Iraq.

I raise these issues because I do not believe we can precipitously pull out of Iraq, nor should we. But I think we have to recognize the situation on the ground for what it is and facilitate it before we see more mass sectarian violence taking place. We can do this and, in a civil fashion, save lives. That is what this is about. It is about saving lives.

We have seen this play before. We have seen it recently in Yugoslavia. We are seeing it today in Sudan. Why can't we see this and say we are going to save lives by facilitating this rather than creating a combustible situation that blows up on us later. This is consistent with the Iraqi Constitution. It is a more robust political solution which matches our need militarily on the ground.

I finally, say, Mr. President, I have traveled the country a lot. I hear a number of people out there. They don't want to lose in Iraq, but they don't see us on a track to win. What they are after is us coming together here to provide that solution of how we can win. What I am talking about is a political solution that is as aggressive as our military solution. The military gives us space for the political side to act. But we have to get it moving, and that is a situation where we can win and we can go to the American people and say we are on track to win and be able to pull our forces from the frontlines and reduce the death loss we are experiencing as a country, that my State is experiencing, that the Big Red One stationed at Fort Riley, KS, is experiencing.

We can do this. We need to show some foresight and bipartisanship to get it done. That is why I call, along with my colleague, Senator BIDEN, for this proposal, and I urge other colleagues to join us as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

#### SUBMISSION OF AMENDMENT TO H.R. 1585

Mr. WARNER. Mr. President, on behalf of myself and Senator LUGAR, I send to the desk an amendment to H.R. 1585.

The PRESIDING OFFICER. The amendment is considered submitted.

#### EFFORTS TO STALL PROGRESS

Mr. LEAHY. Mr. President, I would like to outline some of the legislative activities of the Senate Judiciary Committee.

Some would rather pick fights about controversial judicial nominees. The disappointing decisions from this year's Supreme Court term remind us that this President has been quite successful in moving the Federal courts to the right. This President has not only

appointed two members of the Supreme Court but has also already appointed almost one-third of the 871-member Federal judiciary. When the appointments of his father and other Republican Presidents are considered, more than two-thirds of all current Federal judges were appointed by Republican Presidents.

Of course, the Judiciary Committee has been engaged in oversight efforts this year with regard to the U.S. attorney scandal and other examples of White House interference with Federal law enforcement. Despite the attitude of the current administration, our Constitution does not include the phrase "unitary executive" or "executive privilege." What the U.S. Constitution does provide in the oath of office is that the President must swear to "faithfully execute the Office of President of the United States" and "preserve, protect and defend the Constitution of the United States." His essential duties require him to "take care that the Laws be faithfully executed." I have great concern with regard to how this administration is fulfilling those essential duties. The political intrusion into the law enforcement functions of the Government through the scheme to fire and replace our U.S. attorneys is most troubling.

The recent decision to override a prosecution, jury trial, conviction and prison sentence for one of his aides, to excuse his lying to Federal investigators and a grand jury and his perjury, and to reward his silence and purportedly bad memory seems an abuse of the constitutional pardon power. The lack of accountability for anyone in the Bush administration has reached new heights—or depths.

The secret determination to ignore our surveillance laws and engage in years of warrantless wiretapping of Americans is another instance we are investigating that appears at odds with the Constitution's directive to "take care that the Laws be faithfully executed" and that the liberties of the American people secured by the Constitution be protected.

While our oversight efforts have taken a good deal of time and effort, we have simultaneously succeeded in an ambitious legislative agenda. That is what I would like to focus on for a few minutes. While the committee has been productive in reporting a number of bipartisan measures to the Senate, Republican holds have to date been blocking Senate action on these measures.

Republican holds and filibusters have not been limited to obstructing our efforts to support our troops, rebuild our National Guard, and bring an end to the failed policies that have led to the deaths of so many in a civil war in Iraq.

Let me mention a few examples of beneficial legislation that are being stalled, as well:

We just observed the 41st anniversary of the Freedom of Information Act

"FOIA" on July 4. An important bipartisan FOIA reform measure—the Openness Promotes Effectiveness in our National Government Act, the OPEN Government Act, S. 849,—was favorably reported in April. Its consideration has been blocked by a Republican objection.

The OPEN Government Act promotes and enhances the public disclosure of government information pursuant to FOIA. This legislation will also provide much-needed reforms to strengthen FOIA by, among other things, helping Americans to obtain timely responses to their FOIA requests and improving transparency in the Federal Government's FOIA process.

This bill is cosponsored by a bipartisan group of 14 Senators, including my lead Republican cosponsor Senator CORNYN. The OPEN Government Act is also supported by more than 115 open government, business and news media organizations from across the political and ideological spectrum, including, the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association.

The passage and enactment of this important FOIA reform legislation will improve government transparency and openness for all Americans. The bill has now been stalled by Republican objection for several weeks.

A second measure the committee reported months ago that has been stalled by unspecified objection from the other side of the aisle is The War Profiteering Prevention Act of 2007, S. 119. This bill provides a significant new tool for Federal law enforcement to combat the scourge of war profiteering, which is needed now more than ever given the ongoing reports of rampant fraud, waste, and abuse in Iraq and Afghanistan. The bill now has the support of Senator SESSIONS, after being modified to eliminate potential objections to specific language in the bill and we have circulated an amendment to combine it with the Sessions-Landrieu Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, S. 863, to be a legislative package that should win overwhelming bipartisan Senate support. Passage of this measure is long overdue and is being blocked by unspecified Republican objection.

A third measure that the Judiciary Committee unanimously reported was the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. This is a good bill, authored by Senator DODD and Representative JOHN LEWIS in the House. The Senate bill and Senate consideration of the House-passed companion measure have been blocked by yet another Republican objection.

These are just three examples of matters currently being delayed and obstructed by unspecified objection from the other side of the aisle. The American people may begin to see a pattern.

Each of these measures should command majority support in the Senate. They may be able to command supermajority support on their merits. If we could only get to their merits. So while the Judiciary Committee has remained productive, its efforts to enact helpful, remedial legislation continue to be thwarted by Republican objections.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHNATHON M. MILLICAN

Mr. SHELBY. Mr. President, I rise today to remember and honor the heroic sacrifice of a courageous Alabamian who selflessly risked himself to save members of his unit under attack.

PFC Johnathon M. Millican was tragically killed on January 20, 2007, in Karbala, Iraq. A member of the 377th Parachute Field Artillery Regiment from Fort Richardson, AK, he risked his own safety to cover an enemy grenade with his body during an attack by insurgents.

For his gallantry in action against an enemy of the United States, Private First Class Millican was posthumously awarded the Silver Star, our Nation's third highest award for combat valor. While this is a great honor and one deserving of Private First Class Millican's actions, I believe his act of heroism and bravery deserves our Nation's highest honor. Therefore, I have asked the Department of Defense to consider him for the Medal of Honor, the highest military decoration awarded by the United States. Private First Class Millican went beyond the call of duty and risked his own life not only to protect our Nation but to save members of his unit.

I offer my thoughts, prayers and condolences to Private First Class Millican's family. His loss symbolizes the ultimate sacrifice one can make for our country. His service represented his commitment to protect his family, community, and our Nation.

I am honored to stand before the Senate today to pay tribute to the life and service of PFC Johnathon Millican. Private First Class Millican's dedication to the principles of freedom and democracy will serve as an example to all of us, for generations to come. It is my hope that he will be duly honored with the Medal of Honor, but even if Private First Class Millican is not awarded the Medal of Honor, he is no less a hero.

#### TRIBUTE TO GEORGE MCGOVERN

Mr. BROWN. Mr. President, 35 years ago, thousands of young people entered politics for the first time by working on the Presidential campaign of George McGovern—a champion for social and economic justice and leading progres-

sive. Senator McGovern's legacy of progressive politics dates back to volunteering for Henry Wallace's Presidential campaign in 1948.

At 19, and still in college, I was one of those who volunteered for Senator McGovern during a time of great social and political upheaval in our Nation.

We looked to Senator McGovern for his leadership on ending the Vietnam war; for his vision of a nation defined by equal rights, equal opportunity, and unwavering support for those in need.

I remember being struck by the strength of his faith and by his patriotism.

When he thought our Nation needed to go to war, he served in uniform—earning the Distinguished Flying Cross during World War II.

And when he knew it was a war that was wrong, he spoke out early, and often, as was the case with the Vietnam war.

Whether he courageously spoke out against the war from this Chamber as a U.S. Senator, or spoke out for social justice on the Presidential campaign trail, Senator McGovern gave hope—and purpose—to a generation of Americans.

He changed lives and improved a nation.

Senator McGovern's work continues today.

A former U.N. Global Ambassador on World Hunger, Senator McGovern's outreach has helped feed literally millions of families around the world.

Together with Senator Bob Dole, he founded the George McGovern-Robert Dole International Food for Education and Child Nutrition Program, which helps feed children in developing nations.

And Senator McGovern continues to influence the national debate, speaking out on the Iraq war and weighing in on behalf of disenfranchised populations in our Nation and throughout the world.

Senator McGovern changed forever political activism and grassroots organizing. He opened the door for millions of activists attracted by his idealism, many of whom remained in public service their entire lives.

More than public servant, Senator McGovern has been a beloved husband and father.

The Senator was married to his wife Eleanor for nearly 64 years, before her passing earlier this year.

Together, they raised five children, Ann, Terry, Susan, Mary, and Steven.

Nearly 35 years after running for President, and marking his 85th birthday, Senator McGovern is ready to help lead us all into the next progressive era of our Nation.

I am humbled by Senator McGovern's service to our Nation and feel privileged to call him my friend.

#### ADDITIONAL STATEMENTS

#### HONORING THE CHILD ABUSE LISTENING, INTERVIEWING AND COORDINATION CENTER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 10th

anniversary of the Child Abuse Listening, Interviewing and Coordination Center, CALICO Center.

CALICO Center was established in 1997 to provide a supportive environment for children in Alameda County who have suffered from abuse. By providing a safe and secure place where children are the first priority, CALICO Center successfully minimizes the trauma that these children face when dealing with the after effects of abuse. As a multidisciplinary center, CALICO Center brings together law enforcement, child welfare workers, and prosecutors to coordinate Alameda County's response to child abuse. CALICO Center also works with the community to increase the prosecution of child abusers who engage in such heinous crimes.

Since it first opened, CALICO Center has effectively served more than 5,000 children, most of whom were victims of violence in their homes and communities. It also connects children and families with critical therapeutic, medical and legal support services that are essential to the healing process.

I commend CALICO Center's dedicated staff and volunteers, who have worked tirelessly and unrelentingly to help children and end child abuse in Alameda County for the past decade. They have an incredibly difficult job, but the men and women at CALICO Center prove every day that they are truly community heroes by helping these innocent victims of child abuse.

Child abuse is one of the most vicious crimes known to humanity. Since 1997, CALICO Center has served as a model for how to successfully engage the entire community in protecting its most vulnerable citizens. Its dedication to the community is inspiring and impressive. I congratulate CALICO Center on its 10th anniversary and wish them many more years of success.●

#### HONORING COLONEL STEPHEN L. HILL

• Mr. CASEY. Mr. President, today I honor COL Stephen L. Hill and the exceptional service he has provided as commander of the Pittsburgh District, U.S. Army Corps of Engineers during the period from July 16, 2004, to July 13, 2007. My colleague from Pennsylvania, Senator SPECTER, has joined me to honor Colonel Hill.

On Friday, July 13 in Pittsburgh, PA, the U.S. Army Corps of Engineers Pittsburgh District military Change of Command ceremony will honor the services of the outgoing commander, COL Stephen L. Hill, and welcome the incoming commander, COL Michael P. Crall.

Colonel Hill will leave a legacy of excellence. His leadership focused the district's capabilities on executing vital programs for the region and the Nation. His superb managerial skills and emphasis on building relationships and encouraging open and honest communication increased confidence in the



ability of the district to accomplish its mission.

During his tenure as district commander, the district's workload expanded and its annual operating budget increased from less than \$100 million in Fiscal Year 2004 to over \$184 million in Fiscal Year 2007. Colonel Hill skillfully managed resources and reengineered district processes to efficiently accomplish the planning, engineering, construction, operation and maintenance of Pittsburgh district's 23 locks and dams, 16 multipurpose reservoirs, local flood protection projects and environmental infrastructure projects covering 26,000 square miles and portions of five States.

Colonel Hill knew that an important aspect of commanding the district was developing relationships with key leaders in the region. He took the time to meet with officials, visit projects, evaluate the issues, and work to understand the various perspectives of the experts in the region. He established and improved relations with local, State and Federal officials, culminating in changes to outdated lock and dam operating schedules, resulting in cost savings and efficiencies. Colonel Hill's partnerships resulted in the revitalization in projects affecting the critical waterways in the Lower Monongahela and Upper Ohio River. He championed efforts with the Upper Ohio River Study, Asset Management, Charleroi construction, the district's Strategic Business Initiative, SBI, and a number of other high priority projects. These efforts and accomplishments greatly improved the district's image and reputation among the public, stakeholders, congressional staff and the workforce.

Colonel Hill recognized the importance of working across and beyond the district's boundaries. He led by example, deploying to Louisiana to assist in the Hurricane Katrina recovery effort, serving as part of Task Force Hope. More than 25 percent of the Pittsburgh District team members also deployed to assist in the hurricane recovery effort.

Colonel Hill's exceptional service reflects great credit upon himself, the Corps of Engineers and the U.S. Army.

Colonel Hill's next duty assignment is Commander of the gulf region South District at Base Camp Adder, Iraq. The South District covers more than 65,000 square miles, manages more than 1,500 projects that are valued at over \$3.3 billion. Colonel Hill will oversee 107 U.S. military and civilian professionals, 263 contract security personnel and nearly 124 Iraq professionals who work side-by-side to provide the transitional support in order to create a viable and stable democracy in the country.

Pennsylvania has been honored to experience the leadership and passion that COL Stephen Hill provided to the Pittsburgh District. Along with my colleague, Senator SPECTER, I thank the colonel for his service to our coun-

try and wish him a safe tour of duty in Iraq and much success throughout his entire career.

I ask to have printed in the RECORD a biography of Colonel Hill.

The material follows:

Colonel Stephen L. Hill assumed command of the Pittsburgh District, U.S. Army Corps of Engineers on July 17, 2004. He graduated from the United States Military Academy at West Point, N.Y. with a Bachelor of Science Degree and was commissioned a Second Lieutenant of Engineers in 1982. He holds a Master of Science Degree in Civil Engineering from Purdue University and a Masters Degree in Strategic Planning and Policy from the Army War College. He is a graduate of the U.S. Army Command and General Staff College, the Armor Officer Advanced Course and the Engineer Officer Basic Course.

Since graduation from the Military Academy, Col. Hill has served in command and staff positions in Germany, Haiti, Japan, Kuwait, Egypt and the United States. Prior to his assignment in Pittsburgh, Col. Hill served as the Senior Engineer Trainer—Side-winder 07—at the Army's National Training Center (NTC) at Fort Irwin, Calif. training soldiers and leaders while assisting in the development of training doctrine for contemporary operations and emerging asymmetric threats. He commanded the 317th Engineer Battalion, 3rd Infantry Division and led the battalion during deployments to Kuwait, Egypt and the NTC. Prior to battalion command, he served with Headquarters, U.S. Forces, Japan as a joint engineer staff officer responsible for bilateral negotiations with the Government of Japan and management of a \$1 billion facility improvement program. Before duties in Japan, Col. Hill served as an operations officer in the 82nd Airborne Division and staff engineer for the Army Special Operations Command at Fort Bragg, N.C. He served as program and project manager for classified special mission unit projects throughout the country and deployed to Haiti with Task Force Black to assist the Ambassador and country team with initial efforts to restore security and democratic leadership.

Earlier in his career, Col. Hill commanded the 58th Combat Engineer Company, 11th Armored Cavalry Regiment and Delta Company, 54th Engineer Battalion with missions along the Fulda Gap. He served as project officer and assistant Resident Engineer for the Corps of Engineers' Seattle District at Malmstrom Air Force Base in Great Falls, Mont. He also managed several EPA superfund projects and assisted with the development of the environmental project and program management baseline plan for Seattle's engineering division.

Col. Hill's next duty assignment is Commander of the Gulf Region South District at Base Camp Adder, Iraq.

Col. Hill's awards and decorations include the Defense Meritorious Service Medal, Army Meritorious Service Medal (five oak leaf clusters), Joint Service Commendation Medal, Joint Meritorious Unit Award, Army Superior Unit Award and other unit and service awards. He is a SAME fellow, Master Parachutist and wears the Air Assault Badge. He is qualified as a Joint Specialty Officer.

Col. Hill is married to his high school sweetheart, the former Susan Mills from Nichols, N.Y. They have a son, Ross, who recently completed his freshman year in Chemistry at Boston University.●

## THE CENTENNIAL OF ELIDA, NEW MEXICO

● Mr. DOMENICI. Mr. President, I would like to take a moment to mark the centennial of Elida, NM.

In July 1907, the town of Elida was officially incorporated, and for the last 100 years this small New Mexico town has remained a close-knit ranching community. Although much has changed in Elida during the last 100 years, many things have not. Elida is still the kind of town where neighbors take the time to help one another and come together for a Fourth of July barbeque every year. I believe that kind of community is something special and those individuals who call Elida home should be proud.

As the residents of Elida and the surrounding area gather this weekend to celebrate the history of their town, I would like to wish them well and I hope Elida has another wonderful 100 years.●

## IN RECOGNITION OF ERIN RATH

● Mr. GREGG. Mr. President, today I pay tribute to my longtime communications director and friend Erin Rath, who for the past 9 years has had the unenviable task of turning a sow's ear to a silk purse, of explaining what I "really" meant and consoling reporters whose call I missed.

Erin comes from hearty New Hampshire political stock and was brought up in an environment where politics and community service was very much a part of her life. Her mother Chris is a leading educator in Concord, serving as superintendent of schools, and her father Tom is a bit of a legend in New Hampshire politics for offering sound advice to Presidential candidates who wander into the Granite State. But, anyone who knows Erin will tell you she has always cut her own path, willing to take any task and accomplishing it with a smile. Whether it was dealing with a not so media friendly member or an aggressive reporter, Erin has perfected the skills needed to pitch any story with style and grace. She understands how to craft a message and have it be understood, whether by a weekly paper in New Hampshire or the Wall Street Journal.

On those rare days that I didn't want to do press, Erin was always the one coming to me and promoting an interview or conference call and, even when temporarily rebuffed, would find a way to cheerfully get her mission accomplished. And, when she was left to translate the day's events to a press corps that was disinterested or confused, Erin would find a way to make the story intelligible and get it in print or across the airwaves.

Erin has also worn another very important hat in my office as the lead on appropriations issues. She excelled at organizing and managing my appropriations requests and making sure worthy New Hampshire projects were



not overlooked. Erin has been responsible for helping to deliver hundreds of millions of dollars to better our State.

Just as important to Kathy and I has been the friendship that went well beyond the office. Knowing Erin since she was rather young, allowed us the rare opportunity to watch a bubbly, red-headed, star athlete mature into a charming and professional woman and soon to be mother. Whether it was house-sitting or helping watch over our active family, Erin has long been a part of the Gregg family.

Erin has decided to delay the dream many of us had for her of running for Congress in New Hampshire until after the birth of her first child and move to Minnesota with her husband Dan Moos as he begins his teaching career at the Gustavus Adolphus College. Erin, after being in the eye of the storm for the past 9 years, will enjoy living in a frozen, quiet land where community spirit is derived from singing the Golden Gophers fight song.

Kathy joins me in wishing Erin continued great success and in thanking her for all that she has done for the Gregg family, our office, and New Hampshire.●

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on July 13, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURBIN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2829. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-129).

#### 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. INHOFE:

S. 1786. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SPECTER, and Mr. SANDERS):

S. 1787. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students;

to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 1788. A bill to provide for the mandatory revocation of passports of individuals whose child support payments are more than \$2,500 in arrears; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. McCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 271. A resolution honoring Lady Bird Johnson; considered and agreed to.

By Mr. DURBIN (for himself and Mr. HAGEL):

S. Res. 272. A resolution praising Muslim-American physicians who condemned recent attempted terrorist acts in the United Kingdom; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr.

INOUE) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1629

At the request of Mr. PRYOR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1629, a bill to request a study by the Federal Communications Commission on the interference caused by broadband Internet transmission over power lines.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. BUNNING) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1785

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1785, a bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New

York (Mr. SCHUMER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2019 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2056

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2056 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2063

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2063 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2086

At the request of Mr. DURBIN, his name and the name of the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2125

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2135

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2135 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2171

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 2171 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. SPECTER, and Mr. SANDERS):

S. 1787. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, all students, regardless of where they live, need appropriate tools to compete in today's global economy. Today, I am pleased to introduce legislation that will ensure students in rural areas are equipped with the resources they need. If approved, the Rural Students College, Career, and Community Readiness Act of 2007 would improve the educational and career outcomes and build the leadership skills of students in rural communities. I am pleased to be working my colleague, Senator SPECTER, on this important and timely legislation.

Roughly one in four public schools is located in rural America, accounting for 14.5 percent of total public school enrollment. Unfortunately, studies have shown students attending these rural schools generally have lower educational aspirations than their urban and suburban peers. In addition, roughly half of rural high school students live and attend schools in counties that do not have colleges.

These facts are daunting and present a major hurdle in improving education for students in rural communities. However, if our country is to successfully compete for jobs in the marketplace of the 21st century, we must ensure all students have access to an excellent education. These are some of the many reasons why Senator SPECTER and I have joined together to introduce the Rural Students College, Career, and Community Readiness Act of 2007.

This legislation will establish partnerships between nonprofit entities and rural school districts to improve the academic motivation and educational performance of rural, low-income students. Under these partnerships, students in grades 7–12 will receive 25 hours of program workshops during the school year to develop career awareness and build their leadership skills. Furthermore, these programs will provide information for students about the

opportunities for and the importance of higher education while increasing understanding of the future labor needs in their State.

This legislation also calls for a rigorous evaluation of the program's impact. The results of this evaluation will not only tell us the rates of participation in dual enrollment courses, advanced placement courses, or other related programs of our rural students, but also provide models of best practices for partnerships so others can replicate their success.

The Rural Students College, Career, and Community Readiness Act emphasizes the improvement of human capital through education as an important engine for economic development for rural communities. This legislation is needed to increase the number of rural students engaged in rigorous, college-preparatory coursework, improve their high school graduation rates, and prepare the next generation of leaders in rural communities.

I am hopeful my Senate colleagues will join us to move this legislation to the floor without delay.

By Mr. ROBERTS:

S. 1788. A bill to provide for the mandatory revocation of passports of individuals whose child support payments are more than \$2,500 in arrears; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to ensure that noncustodial parents pay child support, instead of fleeing off to hide from their responsibilities. I commend my fellow Kansas colleagues, Congressman DENNIS MOORE and Congressman JERRY MORAN, for introducing similar legislation in the House.

The problem is this: noncustodial parents could potentially avoid paying their responsible share of child support by leaving the country. State child support enforcement agencies must certify cases to the State Department for passport denial if the child support debt is over \$2,500. The loophole that emerges is for those deadbeat parents who already have a passport. Under current implementation of the law, the next opportunity for enforcement is at the renewal of the passport, which could be several years down the road. The legislation I offer today closes that loophole, and simply instructs the State Department to revoke, in addition to denying, a noncustodial parent's passport once the individual's child support debt exceeds \$2,500. Studies show that the receipt of child support is a key factor that keeps a child and single parent family from living in or near poverty. Beyond the financial security that steady child support provides, there is a greater likelihood that noncustodial parents are personally involved in their child's life. If a parent shows responsibility financially, there is a bigger chance that he or she is involved emotionally. The impact of a noncustodial parent's involvement in his child's life, in many cases, results

in better grades and fewer behavioral problems.

In Kansas alone, there are currently 131,000 child support cases open, including those receiving public assistance, and those above that income bracket. Last year, the Kansas Child Support Enforcement Program collected \$156 million in child support.

Now, you might ask: What percentage of the population will this help? I would concede that, although this may not impact a high percentage of those children and families receiving child support, the impact on an individual family is very significant. According to my state's limited records on this issue, approximately 50 passport applications and renewals are denied on a yearly basis. That figure does not include those passports that should be revoked. The Kansas Child Support Enforcement Program estimates that the number of deadbeat parents affected would increase to 250. The security afforded by the steady stream of child support could be the lone determinant of a family living in poverty or existing on adequate financial ground.

I encourage my colleagues to add their support to this important fix. We must ensure that the tools provided to the states have the teeth necessary to discourage deadbeat parents from running out on their financial responsibilities.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 271— HONORING LADY BIRD JOHNSON

Mr. REID (for himself, Mr. McCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBARK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE,

Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 271

Whereas Americans throughout the nation are mourning the passing of Claudia Taylor (Lady Bird) Johnson, who served as First Lady with honor and grace during the Administration of her husband, President Lyndon Baines Johnson;

Whereas Mrs. Johnson was born near Karnack, Texas and received the nickname "Lady Bird" as a young child;

Whereas Lady Bird Johnson was known as an excellent student and graduated from the University of Texas;

Whereas Lady Bird Johnson met Lyndon Johnson in 1934 and the 2 were married later that year;

Whereas Lady Bird Johnson was a successful businesswoman who helped build a small radio station into a multimillion-dollar radio and television enterprise;

Whereas throughout her husband's political career in Congress and the White House, Lady Bird Johnson played an important supportive role as a partner and confidante;

Whereas as wife of the Vice President, Lady Bird Johnson visited 33 foreign countries as an ambassador of goodwill;

Whereas, as First Lady, Lady Bird Johnson earned widespread respect and affection not only for the tone of dignity with which she represented her husband and the Nation, but for her active involvement in efforts to serve the public, such as her work to improve the environment and to address the problem of poverty in the United States;

Whereas millions of travelers and commuters have Lady Bird Johnson to thank for the colorful flowers that line many of our roads, which represent a living, lasting legacy of the woman who guided the Highway Beautification Act of 1965 (23 U.S.C. 131, 135 note, 136, 319) into law;

Whereas after leaving the White House, Lady Bird Johnson continued to serve the Nation in many ways, including helping to found the National Wildflower Research Center, supporting the Lyndon Baines Johnson Library, and serving on the Board of the National Geographic Society as a trustee emeritus; and

Whereas, in addition to her service to the Nation, Lady Bird Johnson was a devoted and loving mother to her 2 daughters, Lynda Bird and Luci Baines, as well as her 7 grandchildren and 10 great-grandchildren: Now, therefore, be it

*Resolved*, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Claudia Taylor (Lady Bird) Johnson;

(2) extends its heartfelt sympathy to Mrs. Johnson's family;

(3) honors and, on behalf of the nation, expresses deep appreciation for Lady Bird Johnson's important service to her country; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Mrs. Johnson.

##### SENATE RESOLUTION 272—PRAISING MUSLIM-AMERICAN PHYSICIANS WHO CONDEMNED RECENT ATTEMPTED TERRORIST ACTS IN THE UNITED KINGDOM

Mr. DURBIN (for himself and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

##### S. RES. 272

Whereas in early July 2007, acts of terrorism were attempted at Glasgow Airport and in London;

Whereas early indications suggest that Muslim physicians allegedly were responsible for the attempted acts of terrorism;

Whereas thousands of Muslim-American physicians living and practicing in the United States are an important and welcome component of American society;

Whereas Muslim-American physicians, through the Islamic Medical Association of North America, publicly stated that the association "condemns in the strongest terms the attack on Glasgow Airport, the attempted attack in London; and all attacks by which innocent people are killed or harmed in any manner and all attacks that result in destruction of the property of innocent people"; and

Whereas the Islamic Medical Association of North America further stated, "Such attacks, regardless of whether or not they have been perpetrated by physicians, are against the most basic teachings of our religion, Islam, and are contrary to the very basic principles of our profession, regardless of religion or creed. Suicide is also strictly prohibited in Islam."': Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the recent attempted attacks in the United Kingdom;

(2) commends the Islamic Medical Association of North America for swift, clear, and public denunciation of the attacks;

(3) encourages Muslim voices in the United States and abroad to continue speaking out against terrorism; and

(4) condemns bigotry and acts of violence against any American, including Arab-Americans and Muslim-Americans.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2189. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. McCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBARK, Mr. ALEXANDER, Mr. ENZI, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2190. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2191. Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mrs. LINCOLN, Mr. JOHNSON, Ms. MIKULSKI, Mr. BINGAMAN, Ms. SNOWE, Ms. CANTWELL, Mr. TESTER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2192. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2193. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 2063 submitted by Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms.

LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2197. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2198. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2199. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2200. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2201. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2202. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2203. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2204. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2205. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2206. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2207. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2208. Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2209. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2189.** Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr.

BROWNBACK, Mr. ALEXANDER, Mr. ENZI, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . . FAIRNESS DOCTRINE PROHIBITED.**

(a) **SHORT TITLE.**—This section may be cited as the “Broadcaster Freedom Act of 2007”.

(b) **FAIRNESS DOCTRINE PROHIBITED.**—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

#### **“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**

“Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters, including the American Forces Network, present opposing viewpoints on controversial issues of public importance, commonly referred to as the ‘Fairness Doctrine’, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees, 50 Fed. Reg. 35418 (1985).”

**SA 2190.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, line 20, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

On page 270, line 10, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

On page 270, line 23, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

**SA 2191.** Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mrs. LINCOLN, Mr. JOHNSON, Ms. MIKULSKI, Mr. BINGAMAN, Ms. SNOWE, Ms. CANTWELL, Mr. TESTER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for

such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

#### **SEC. 703. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 33-percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services 11 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health

Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code.

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.”.

(d) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended—

(1) by striking “The monthly amount” and inserting “(A) Subject to subparagraph (B), the monthly amount”; and

(2) by adding at the end the following new subparagraph:

“(B) Effective as of October 1, 2007, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(e) COPAYMENTS UNDER CHAMPUS.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking “during the period beginning on April 1, 2006, and ending on September 30, 2007.” and inserting “after March 31, 2006”.

(f) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended

by adding at the end the following new paragraph:

“(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.”.

(g) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.”.

(h) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting “(1)” before “The Secretary of Defense”; and

(2) by adding at the end the following new paragraph:

“(2) Effective as of October 1, 2007, the percentage increase in the amount of any premium, deductible, copayment or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.”.

**SA 2192.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1204. ASSISTANCE FOR GLOBAL PEACE OPERATIONS INITIATIVE PARTNER COUNTRIES DEPLOYING FOR PEACE OPERATIONS.**

(a) IN GENERAL.—During fiscal years 2008 and 2009, the Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to foreign countries that have committed to deploying units trained by the United States or its partners under the Global Peace Operations Initiative (GPOI) to peace operations.

(b) SELECTION OF COUNTRIES.—The Secretary of Defense and the Secretary of State shall jointly select the countries described in subsection (a) for which assistance may be provided under that subsection.

(c) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include only the following:

(1) Inspection of—

(A) units described in subsection (a) in order to determine their readiness and ability to carry out peace operations; and

(B) the equipment depots to be used by such units in deployments for peace operations.

(2) Identification of the training and equipping shortfalls, if any, of the units described in subsection (a).

(3) Provision of additional training to the units described in subsection (a), if required, in order to ensure that such units can carry out peace operations.

(4) Provision of equipment for units described in subsection (a), if required, pending deployment for a peace operation.

(5) Assistance in addressing deficiencies in personnel with specialized skills of units described in subsection (a) or in headquarters staffs of such units.

(6) Facilitation of the deployment of units described in subsection (a), if required, for missions under a peace operation.

(d) FORMULATION OF ASSISTANCE.—The Secretary of Defense and the Secretary of State shall jointly formulate the provision of assistance under subsection (a).

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) of the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) ELEMENTS OF NOTICE.—Any notification under paragraph (1) on the exercise of authority shall include—

(A) a description of the country and unit or units to be provided assistance;

(B) a description of the type of assistance to be provided; and

(C) a statement of the amount of funding to be provided for each country and for each type of assistance.

(3) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(f) RESPECT FOR HUMAN RIGHTS.—Assistance may not be provided under subsection (a) to a unit of forces unless the Secretary of Defense and the Secretary of State jointly determine that the unit and its personnel maintain a record on human rights that meets requirements of the following:

(1) Section 8060 of the Department of Defense Appropriations Act, 2007 (Public Law 109-289; 120 Stat. 1287).

(2) Section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2218).

(g) APPLICABLE LAW.—Any services, defense articles, or funds provided under this section shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, and any Acts making appropriations to carry out such Acts.

(h) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, \$200,000,000 may be available in fiscal years 2008 and 2009 for the provision of assistance under subsection (a).

**SA 2193.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 2063 submitted by Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 4 and all that follows through the end and insert the following:

(9) The President announced a new strategy for United States involvement in Iraq to the American people on January 10, 2007, which included sending approximately 30,000 additional troops to Iraq as well as increasing United States diplomatic efforts with respect to Iraq.

(10) Pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), the President submitted to Congress a report on the progress of this new strategy on July 12, 2007.

(11) According to that report, the United States has filled one-half of the 300 additional personnel slots for the Provincial Reconstruction Teams which are part of the President's new strategy, and the full complement of those personnel will be in place in December 2007.

(12) The last of the 30,000 additional troops that the President announced in January 2007 that he would send to Iraq as a part of his new strategy became fully operational in Iraq on June 15, 2007.

#### **SEC. 1543. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.**

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a "New Diplomatic Offensive" to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as

United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 1550, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 1550, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

#### **SEC. 1544. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

#### **SEC. 1545. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

#### **SEC. 1546. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

#### **SEC. 1547. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern



fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

#### **SEC. 1548. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 1550;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

#### **SEC. 1549. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States

military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

#### **SEC. 1550. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.**

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

#### **SEC. 1551. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.**

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 1544 through 1550 and the engagement in the increased diplomatic efforts specified in section 1543, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations;

(2) except in the event of unforeseen circumstances or developments, the President's new strategy for Iraq, announced in January 2007, should not be significantly altered until General Petraeus and Ambassador Crocker

report to Congress on the progress of that strategy in September 2007; and

(3) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

#### **SEC. 1552. REPORT ON POLICY IMPLEMENTATION.**

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 1543 through 1550.

**SA 2194.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.**

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If an agency head does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the agency head may waive such bid or application requirement if the agency head determines that the contract, grant, or cooperative agreement is essential to the mission of the agency.

(B) CONGRESSIONAL NOTIFICATION.—If an agency head waives a bid requirement under subparagraph (A), the agency head must, not later than 10 days after exercising such waiver, notify Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(b) ANNUAL REPORT.—



(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term “congressional initiative” means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

**SA 2195.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ JOINT SPACE INTELLIGENT DECISION SUPPORT.**

(a) IN GENERAL.—The Secretary of Defense may not proceed with the Joint Space Intelligent Decision Support (JSDIS) program unless the Secretary determines that the program is necessary and essential to the national defense of the United States.

(b) FULL AND OPEN COMPETITION.—If the Secretary determines to proceed with the Joint Space Intelligence Decision Support program in accordance with subsection (a), the Secretary may award the contract for that program only after full and open competition.

**SA 2196.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NDIC CLOSURE.**

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used for the National Drug Intelligence Center (NDIC) located in Johnstown, Pennsylvania, except those activities related to the permanent closing of the NDIC and to the relocation of activities performed at NDIC deemed necessary or essential by the Secretary of Defense, in consultation with the appropriate Federal agencies.

**SA 2197.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.**

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-355) is repealed.

**SA 2198.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 555. NAVY SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM AT THE UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA.**

The Secretary of the Navy may establish and maintain a Senior Reserve Officers' Training Corps program under section 2102 of title 10, United States Code, at the University of Miami, Coral Gables, Florida.

**SA 2199.** Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed

Services of the Senate and the House of Representatives an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research.

(b) ASSESSMENT.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees

(7) Any other matters the Comptroller General considers appropriate.

**SA 2200.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1070. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.**

Section 9 of title 4, United States Code, is amended by striking “all persons present” and all that follows through the end and inserting “those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.”.

**SA 2201.** Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.**

(a) REPEAL OF LIMITATIONS.—Section 3007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(B) in subsection (b)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(C) in subsection (c)(2)(A), by striking "sections 2005 and 2007" and inserting "section 2005";

(D) in subsection (d), by striking "sections 2005 and 2007" and inserting "section 2005"; and

(E) in subsection (e), by striking "2006, and 2007" and inserting "and 2006"; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

**SA 2202.** Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.**

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

**"§ 408a. Travel and transportation allowances: inactive duty training**

"(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

"(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

"(1) is—

"(A) qualified in a skill designated as critically short by the Secretary concerned;

"(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve

component with a critical manpower shortage; or

"(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

"(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

"(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be \$300."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

**SA 2203.** Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 1070. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.**

(a) IN GENERAL.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term "covered area" means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) DUAL-MILITARY COUPLE.—The term "dual-military couple" means a married couple in which both spouses are members of the Armed Forces.

**SA 2204.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

**SEC. ( ). COMPETITION FOR PROCUREMENT OF RIFLES.**

(a) COMPETITION REQUIRED.—Each military service shall conduct full and open competitions for the procurement of rifles based on the requirements described in (b).

(b) REQUIREMENT.—The Secretary of Defense shall certify a rifle requirement no later than December 31, 2007 that shall—

(1) be based on performance; and

(2) not require commonality with the technical specifications of current weapons.

(c) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber.

**SA 2205.** Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for a federally funded research and development center (FFRDC) to conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and anticipated capabilities and costs of the C-5 aircraft and C-17 aircraft fleets.

(2) SELECTION OF FFRDC.—In order to enhance the utility of the study, the Secretary shall, select to conduct the study a federally funded research and development center that is currently engaged in force mix analyses of other military mobility aircraft fleets.

(3) UTILIZATION OF OTHER STUDIES.—In conducting the study, the federally funded research and development center shall utilize the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C-5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The adequacy of the current intertheater airlift force, including whether or not the current target number of 299 airframes for the Air Force heavy lift aircraft fleet will

be sufficient to support future expeditionary combat and non-combat missions, as well as domestic and training mission requirements, in light of each of the following:

(A) Current and future military combat and support missions.

(B) The planned force structure growth of the Army and the Marine Corps.

(C) Potential changes in lift requirements arising from the deployment of the Future Combat Systems by the Army.

(D) The utilization of the heavy lift aircraft in intratheater combat missions.

(E) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(F) The potential foreign military demand for military airlift aircraft and the value to the Air Force of a global infrastructure associated with a common aircraft fleet.

(G) Any increased air mobility requirements associated with the Global Rebasement Initiative of the Department of Defense.

(H) Potential increases in United States military support for peacekeeping and humanitarian missions around the globe.

(I) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(2) The state of the current intertheater airlift fleet of the Air Force, including the following:

(A) The extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(B) The extent to which the accelerated aging of such aircraft will affect the replacement schedule for such aircraft.

(3) The optimal mix of C-5 aircraft and C-17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C-5 aircraft and C-17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost-benefits of replacing C-5A aircraft with C-17 aircraft, including costs associated with the C-5 Reliability Enhancement and Re-engining Program (RERP) and Avionics Modernization Program (AMP).

(B) The military capability of the airframes for the C-5 aircraft and C-17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capability, and mission capable rates for such airframes.

(C) The effect of replacing C-5 aircraft with C-17 aircraft on a one-for-one airframe basis, rather than upgrading the C-5 aircraft under the Reliability Enhancement and Re-engining Program and the Avionics Modernization Program, on airlift capabilities, including whether replacing C-5 aircraft with C-17 aircraft would create an equivalent one-for-one tradeoff in military capability.

(D) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(E) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C-5 aircraft that is larger than the C-17 aircraft.

(4) Strategic issues associated with closing the production line for the C-17 aircraft, particularly the risks associated with losing the industrial capacity of that production line in the light of future military requirements.

(5) The means by which the Air Force was able to restart the production line for the C-5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C-17 aircraft could be restarted should a decision to close the line be made, including an analysis of the following:

(A) The costs of closing and re-opening the production line for the C-5 aircraft, and an assessment of the costs of closing and re-opening the production line for the C-17 aircraft on a similar basis.

(B) The risks inherent in permitting a production line to close when compared with the potential savings or favorable aspects of keeping a production line open.

(6) The financial effects of retiring or upgrading and maintaining the C-5A aircraft fleet on procurement decisions relating to the C-17 aircraft.

(7) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 299, including an analysis of the following:

(A) The appropriateness of using C-5 aircraft and C-17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C-130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C-5 aircraft and C-17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C-5 aircraft and C-17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C-5 and C-17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C-5 aircraft or C-17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C-5 aircraft or C-17 aircraft.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study under subsection (a).

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

**SA 2206.** Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on Wartime Contracting” (in this subsection referred to as the “Commission”).

(2) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(A) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(C) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(E) 1 member shall be appointed by the Secretary of Defense.

(F) 1 member shall be appointed by the Secretary of State.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (A) and (B) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(B) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (C) and (D) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(4) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of

the Department of Defense and the Department of State for handling contingency contract management and support.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(6) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, subpoena, administer such oaths; and

(ii) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this

subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(C) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(D) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(E) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(F) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term “contingency operation” has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in cooperation with the Inspector General of the Department of Defense and Inspector General of the Department of State and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF DOD CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight and Department of State management and oversight, including the adequacy of staffing and training of

officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the completion of the audits required by this subsection.

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(5) COMPLETION OF AUDITS.—The Special Inspector General shall complete any audits conducted under this subsection by not later than December 31, 2008.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

**SA 2207.** Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.**

(a) **FEDERAL EMPLOYEES PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) **FAMILY MEMBER.**—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) **DESIGNATION OF SPOUSE.**—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) **USE OF CAREGIVER LEAVE.**—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) **TERMINATION.**—The program under this subsection shall terminate on December 31, 2012.

(b) **VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” means an employee of a business entity participating in the program under this subsection.

(D) **FAMILY MEMBER.**—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—

(A) **IN GENERAL.**—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) **VOLUNTARY BUSINESS PARTICIPATION.**—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) **DESIGNATION OF SPOUSE.**—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) **USE OF CAREGIVER LEAVE.**—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the

Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) **TERMINATION.**—The program under this subsection shall terminate on December 31, 2012.

(c) **GAO REPORT.**—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) **OFFSET.**—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by \$2,000,000.

**SA 2208.** Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

**Subtitle D—Iraq**

**SEC. 1541. FINDINGS.**

Congress makes the following findings:

(1) The United States has vital national security interests in Iraq and the Middle East region.

(2) These vital interests include the prevention of Iraq or any piece of its territory from being used as a safe haven or training ground for terrorists or as a repository or assembly point for weapons of mass destruction; the prevention of acts of violence and disorder that upset wider regional stability, undermining friendly governments, expanding refugee flows, impairing the international shipping lanes in the Persian Gulf, or destroying key oil production or transportation facilities; the prevention of Iranian domination of or aggression toward nations or areas of the Middle East, which would have potentially serious consequences for weapons proliferation, terrorism, the security of Israel, and the stability of friendly governments; and the protection of U.S. credibility in the region and throughout the world.

(3) On January 10, 2007, the President announced the “New Way forward” (hereinafter known as “the President’s strategy”), which consists of four basic elements: political, regional, economic, and military.

(4) The central component of the military element of the President’s strategy is an increased emphasis on population security with augmented Iraqi and Coalition force levels in Baghdad and elsewhere. This element required the deployment of five additional U.S. brigade combat teams, with the fifth brigade combat team having been deployed and having become operational in June 2007.

(5) It is widely recognized that there is no purely military solution to the situation in Iraq. The Iraqi leaders must, as a unified government, reach political settlements in order to achieve reconciliation, for their failure to do so greatly contributes to the violence and disorder in Iraq.

(6) The viability of the President’s strategy within Iraq depends upon: 1) military success at reducing violence and instability in Iraq to a degree that creates greater political

normalcy to conclude political compromises; 2) the willingness of Iraqi leaders to subordinate their personal, tribal, and sectarian loyalties and agendas to allow for meaningful and lasting compromises on key questions of economic and political power, such as the equitable distribution of hydrocarbon resources, the enactment of a de-baathification policy, the enactment of provincial election law, the completion of the Constitutional review process, and the settlement of the Kirkuk question; and 3) the ability of these potential compromises to achieve a sufficient level of national reconciliation to sustain a stable, unified government, security forces loyal to that government, and a cohesive society despite the continuing risk of terrorism or sectarian violence.

(7) According to the Initial Benchmark Assessment Report, issued on July 12, 2007, under the requirements of the Emergency Supplemental Appropriations Act (Public Law 110-28), enacted May 25, 2007, the Administration has scored satisfactory progress toward 8 of 18 benchmarks, but unsatisfactory or mixed progress is being marked in 10 others. Specifically, in the Security sector, while the report grades "satisfactory progress toward providing three trained and ready Iraqi brigades to support Baghdad operations, 'the Iraqi Government has made unsatisfactory progress toward increasing the number of Iraqi Security Forces units capable of operating independently', and has not made satisfactory progress 'in ensuring that Iraqi Security Forces are providing even-handed enforcement of the law...'"

(8) The Administration's Initial Benchmark Assessment Report of July 12, 2007, indicates clearly that none of the benchmarks set forth in P.L. 110-28, nor those milestones recommended by the bipartisan Iraq Study Group in December 2006 in the areas of national reconciliation, security and governance have been reached in their entirety.

(9) Sectarian agendas, heightened by current power struggles and the memory of the oppressive rule of Saddam Hussein, have generated fear, distrust, and hatred in many parts of Iraq leading to ethnic cleansing, violence, sabotage, economic discrimination, and uncompromising political agendas that have hindered attempts to achieve political reconciliation.

(10) Many leaders of the Iraqi government and sectarian factions have not demonstrated a commitment to the concept of a pluralist government; nor have they demonstrated the ability to control many sub-factions within their sectors.

(11) The difficulty of achieving short-term political accommodation in Iraq has been complicated by absenteeism in Parliament, personal feuds among leaders, factional boycotts, and the demands of making policy by consensus in a fragmented society.

(12) Though some Iraqi military and security units have achieved a commendable, professional degree of capability and have performed courageously in combat, a measure of sectarian loyalties, agenda, and corruption still afflict the Iraqi security services.

(13) Given continuing high levels of violence in Iraq and few manifestations of political compromise among Iraq's factions, the optimal outcome in Iraq of a unified, pluralist, democratic government that is able to police itself, protect its borders, and achieve economic development is not likely to be achieved in the near future.

(14) American military and diplomatic strategy in Iraq must adjust to the reality that sectarian factionalism is not likely to abate anytime soon and probably cannot be controlled from the top.

(15) The U.S. military's capacity to interpose itself indefinitely between sectarian factions in Iraq is limited by the high tempo of deployments to Iraq during four and a half years of conflict have impacted the overall readiness of our armed forces, complicated the all-volunteer policy of recruitment, and strained the quality of life for military families.

(16) The extended Iraq deployments have potential consequences for U.S. abilities to respond to other national security threats, including challenges in Afghanistan.

(17) The safety and security of our military forces, as well as our credibility in the region require that any military withdrawal or redeployment from Iraq be carefully planned and executed.

(18) Some level of American military presence in or near Iraq would improve prospects that the United States could respond to terrorist threats, protect petroleum flows, help deter a regional war, and reassure friendly governments of America's commitment to Middle East security.

(19) Our military planners and diplomats must have as much time as possible to develop and implement the elements of any follow-on policy to the President's strategy, including securing the cooperation of the Iraqi government and key states in the region and establishing the logistics to support a residual or temporary American military presence.

(20) A poorly-planned or precipitous withdrawal from Iraq could compound the risks of a wider regional conflict stimulated by Sunni-Shia tensions, damage U.S. credibility among regional allies, expose Iraqis who have worked with the Coalition to retribution, increase the magnitude of destabilizing refugee flows, undercut economic and development projects currently underway in Iraq, and signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

(21) The December 2006 report issued by the Iraq Study Group advocated a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;"

(22) A new strategy should reference the recommendations of the Iraq Study Group, which consulted nearly 200 leading officials and experts, including senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(23) The long term importance of Iraq and the Middle East to American economic and national security requires that our policy in Iraq be militarily sustainable and that it command the greatest degree of public and Congressional support possible.

(24) The report of the Iraq Study Group opened with a letter from the co-chairs, James A. Baker, III and Lee H. Hamilton, which states "Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support".

#### SEC. 1542. REPORTING AND PLANNING REQUIREMENTS.

(a) The President shall require the Director of National Intelligence to review and update, as required, the National Intelligence Estimate (NIE) titled "Prospects for Iraq's Stability: A Challenging Road Ahead", dated January 2007, not later than September 4, 2007. The updated NIE shall include an assessment specifically of the consequences of the various courses of action reducing U.S. forces in Iraq on the future of Iraq, the Middle East region, U.S. national interests, and U.S. partners and allies.

(b) The President, in close coordination with the Secretaries of Defense and State, Joint Chiefs of Staff, and other senior military leaders, shall, as a matter of prudence, consider all options and initiate planning to:

(1) transition U.S. combat forces from policing the civil strife or sectarian violence in Iraq;

(2) redeploy or reallocate those forces in a responsible manner as conditions permit;

(3) refocus U.S. military operations on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations against al Qaeda in Iraq and its associates, protecting U.S. forces and facilities, and training and equipping Iraqi forces to take full responsibility for their own security; and

(4) address the findings of the Independent Assessment of the Iraqi Security Forces as provided by PL 110-28 to include decision points for the redeployment of U.S. forces from Iraq that are based upon the readiness of Iraqi Security Forces.

(c) The aforementioned plans shall be presented to Congress, in a format determined by the Administration, not later than October 16, 2007, and shall be accompanied by the results from modeling and simulation efforts by appropriate departments and agencies of the U.S. government that address the consequences of the courses of action proposed and analyzed. The results of that modeling and simulation shall be made available to Congress.

(d) We recommend that the President and the Administration design plans to be executable beginning not later than December 31, 2007.

#### SEC. 1543. AUTHORIZATION OF THE USE OF FORCE.

##### Findings:

(1) In the Emergency Supplemental Appropriations Act (Public Law 110-28), enacted May 25, 2007, the Congress enacted broad legislation, part of which originated in the Senate, and the President signed the legislation which specifically mandated that the President take the following actions:

(A) "The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved".

(B) "The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress".

(C) "If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include



in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate”.

(D) “The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above”.

(E) “Prior to the submission of the President’s second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress”.

(F) The Department of Defense “will commission an independent, private-sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(i) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq’s 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation;

(ii) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF;

(iii) The likelihood that, given the ISF’s record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A)”.

(iv) It is anticipated that the “Independent Report on the Iraqi Security Forces,” will, in whole or in part, be available before September 5, 2007.

(2) Two successive reports by the President, a report from the U.S. Ambassador to Iraq, a report from the Commander of Multi-national Forces—Iraq, and the Independent Assessment of the Iraqi Security Forces, thereby provide a comprehensive body of information available to the American public and to the Congress, upon which they can establish opinions and evaluate decisions on the future course of U.S. involvement in Iraq and the surrounding region.

(3) The findings that supported H.J. Res. 114, Public Law 107-243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision. Therefore, as part of his September 15, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107-243.

#### SEC. 1544. STATUS OF FORCES AGREEMENT.

The President shall direct the Secretary of State, in conjunction with the Secretary of Defense, to initiate negotiations with the Government of Iraq on a Status of Forces Agreement with a goal to complete work not later than 120 days after enactment of this Act.

#### SEC. 1545. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ AND THE MIDDLE EAST.

##### (a) Findings

(1) The Iraq Study Group recommended a diplomatic offensive, stating “all key issues in the Middle East – the Arab-Israeli conflict, Iraq, Iran, the need for political and economic reforms, and extremism and terrorism, are inextricably linked”. The report stressed that diplomacy aimed at solving key regional issues would “help marginalize extremists and terrorists, promote U.S. values and interests, and improve America’s global image”.

(2) Members of the Gulf Cooperation Council-Plus-Two issued a joint statement on January 16, 2007, reflecting “their collective desire to prevent Iraq from becoming a battleground for regional international powers and urged all to help end sectarian violence in Iraq”.

(3) The Bush Administration supported and participated in the March 10, 2007, regional conference in Baghdad and the follow-up regional conference held in Egypt on May 3 and 4, 2007, and that conference produced three working groups: one chaired by Syria on Border Security, a second chaired by Jordan on Refugees, and a third by Turkey on Fuels and Energy.

(4) The redeployment of U.S. troops from Iraq to other locations in the Middle East, would require the cooperation of regional governments.

(5) A revision of U.S. military policy in Iraq could increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

(6) Regional players, including—Saudi Arabia, Jordan, Egypt, Turkey, the Gulf States, and others have substantial concerns about Iran’s disruptive agenda in the region that converge with U.S. interests.

(7) All states in the region, including Iran and Syria have some interest in preventing political turmoil and refugee flows from emanating from Iraq or the break-up of Iraq into sectarian regions.

(8) All nations that depend on oil imports, particularly those who are dependent on Persian Gulf oil, have a strong economic and security interest in maintaining stability in the Gulf region.

(b) It is the Sense of Congress that the United States Government should work vigorously with like-minded governments, including the Iraqi government, to establish a predictable and regular multi-lateral diplomatic forum related to Iraq that meets frequently and is open to all parties in the Middle East.

(c) Such a forum could be based on the existing structure of the May 2007 foreign ministers conference at Sharm el-Sheikh in Egypt that plans to reconvene in Istanbul at a date to be determined, or it could be initiated with a new structure.

(d) U.S. goals in advancing the forum should include promoting international support for reconciliation in Iraq, dealing with refugee flows emanating from Iraq, protecting the territorial integrity of Iraq, advancing Iraqi economic development, and containing any conflict that might spread from Iraq.

(e) The United States should work with other nations at the forum to promote transparency of national interests and actions so that the risks for neighboring states of pursuing armed aggression or destructive sectarian agendas are heightened and all parties avoid miscalculations that could lead to conflict.

(f) In the context of a drawdown of American forces in Iraq, the United States should attempt to secure contributions of resources or military personnel for international efforts to stabilize Iraq’s borders.

(g) Although focused on a multi-lateral approach to issues related to Iraq, the United States should encourage opportunities to discuss other regional concerns and to facilitate bilateral contacts between those in attendance, when appropriate.

(h) As the United States attempts to establish a more sustainable policy in Iraq, our government should launch a broader diplomatic offensive in the region aimed at repairing alliances, assuring regional govern-

ments of our staying power in the Middle East, enlisting greater help international help in combating terrorism, stabilizing oil prices, and making progress in resolving the Arab-Israeli conflict.

**SA 2209.** Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 143. SENSE OF CONGRESS ON THE REPLACEMENT OF THE TANKER AIRCRAFT FLEET.

It is the sense of Congress that timely replacement of the Air Force aerial refueling tanker fleet is a vital national security priority for the reasons as follows:

(1) The average age of the aircraft in the Air Force aerial refueling tanker fleet is now more than 43 years, with the age of the aircraft in the KC-135 tanker fleet averaging 46 years.

(2) The development and fielding of a replacement tanker aircraft will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(3) Under current plans, it will take more than 30 years to replace the current fleet of KC-135 tanker aircraft, meaning that some KC-135 tanker aircraft are scheduled to remain operational until they are nearly 80 years old.

#### PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Mark Sullivan and Asmita on Senator HARKIN’s staff be granted floor privileges during today’s debate.

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

#### NATIONAL SUMMER LEARNING DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 268, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) designating July 12, 2007, as “National Summer Learning Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.



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

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 268

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that  $\frac{2}{3}$  of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life ("BELL") summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for 2 summers are  $\frac{1}{2}$  year ahead of their peers in reading skills;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 12, 2007: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 12, 2007, as "National Summer Learning Day", in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of our Nation;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of our Nation safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

#### HONORING LADY BIRD JOHNSON

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of S. Res. 271, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 271) honoring Lady Bird Johnson.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 271

Whereas Americans throughout the nation are mourning the passing of Claudia Taylor (Lady Bird) Johnson, who served as First Lady with honor and grace during the Administration of her husband, President Lyndon Baines Johnson;

Whereas Mrs. Johnson was born near Karnack, Texas and received the nickname "Lady Bird" as a young child;

Whereas Lady Bird Johnson was known as an excellent student and graduated from the University of Texas;

Whereas Lady Bird Johnson met Lyndon Johnson in 1934 and the 2 were married later that year;

Whereas Lady Bird Johnson was a successful businesswoman who helped build a small radio station into a multimillion-dollar radio and television enterprise;

Whereas throughout her husband's political career in Congress and the White House, Lady Bird Johnson played an important supportive role as a partner and confidante;

Whereas as wife of the Vice President, Lady Bird Johnson visited 33 foreign countries as an ambassador of goodwill;

Whereas, as First Lady, Lady Bird Johnson earned widespread respect and affection not only for the tone of dignity with which she represented her husband and the Nation, but for her active involvement in efforts to serve the public, such as her work to improve the environment and to address the problem of poverty in the United States;

Whereas millions of travelers and commuters have Lady Bird Johnson to thank for the colorful flowers that line many of our roads, which represent a living, lasting legacy of the woman who guided the Highway Beautification Act of 1965 (23 U.S.C. 131, 135 note, 136, 319) into law;

Whereas after leaving the White House, Lady Bird Johnson continued to serve the Nation in many ways, including helping to found the National Wildflower Research Center, supporting the Lyndon Baines Johnson Library, and serving on the Board of the National Geographic Society as a trustee emeritus; and

Whereas, in addition to her service to the Nation, Lady Bird Johnson was a devoted and loving mother to her 2 daughters, Lynda Bird and Luci Baines, as well as her 7 grandchildren and 10 great-grandchildren: Now, therefore, be it

*Resolved*, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Claudia Taylor (Lady Bird) Johnson;

(2) extends its heartfelt sympathy to Mrs. Johnson's family;

(3) honors and, on behalf of the nation, expresses deep appreciation for Lady Bird Johnson's important service to her country; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Mrs. Johnson.

Mr. WARNER. Mr. President, I ask that I be made a cosponsor of that resolution.

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

#### PRAISING MUSLIM-AMERICAN PHYSICIANS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) praising Muslim-American physicians who condemned recent attempted terrorist acts in the United Kingdom.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 272

Whereas in early July 2007, acts of terrorism were attempted at Glasgow Airport and in London;

Whereas early indications suggest that Muslim physicians allegedly were responsible for the attempted acts of terrorism;

Whereas thousands of Muslim-American physicians living and practicing in the United States are an important and welcome component of American society;

Whereas Muslim-American physicians, through the Islamic Medical Association of North America, publicly stated that the association "condemns in the strongest terms the attack on Glasgow Airport, the attempted attack in London; and all attacks by which innocent people are killed or harmed in any manner and all attacks that result in destruction of the property of innocent people"; and

Whereas the Islamic Medical Association of North America further stated, "Such attacks, regardless of whether or not they have been perpetrated by physicians, are against the most basic teachings of our religion, Islam, and are contrary to the very basic principles of our profession, regardless of religion or creed. Suicide is also strictly prohibited in Islam." Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the recent attempted attacks in the United Kingdom;

(2) commends the Islamic Medical Association of North America for swift, clear, and public denunciation of the attacks;

(3) encourages Muslim voices in the United States and abroad to continue speaking out against terrorism; and

(4) condemns bigotry and acts of violence against any American, including Arab-Americans and Muslim-Americans.

#### INTERSTATE FOREST FIRE PROTECTION COMPACT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 975, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 975) granting the consent and approval of Congress to an interstate forest fire protection compact.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 975) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 975

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

#### SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

#### “THE GREAT PLAINS WILDLAND FIRE PROTECTION AGREEMENT

“THIS AGREEMENT is entered into by and between the State, Provincial and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as ‘Members’.

“FOR, AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

#### “ARTICLE I

“The purpose of this compact is to promote effective prevention and control of forest fires in the Great Plains region of the United States by the maintenance of adequate forest fire fighting services by the member states, and by providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado, and any adjoining state of a current member state.

#### “ARTICLE II

“This compact is operative immediately as to those states ratifying it if any two or more of the member states have ratified it.

#### “ARTICLE III

“In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control may act as compact administrator for that state and

may consult with like officials of the other member states and may implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact. Each member state may formulate and put in effect a forest fire plan for that state.

#### “ARTICLE IV

“If the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

#### “ARTICLE V

“If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid.

“No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering the outside aid.

“All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

“Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. However, nothing in this compact prevents any assisting member state from assuming such loss, damage, expense, or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

“Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

“For the purposes of this compact the term, employee, includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws of the aiding state.

“The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

#### “ARTICLE VI

“Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest fighting forces, equipment, services, or facilities of any member state.

“Nothing in this compact authorizes or permits any member state to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain adequate forest fighting

forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

“Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules, or regulations intended to aid in the prevention, control, and extinguishment in the state.

“Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

#### “ARTICLE VII

“Representatives of the United States Forest Service may attend meetings of the compact administrators.

#### “ARTICLE VIII

“The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling, or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact and any other state that is party to a regional forest fire protection compact in another region if the Legislature of the other state has given its assent to the mutual aid provisions of this compact.

#### “ARTICLE IX

“This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of the state takes action to withdraw from the compact. Such action in not effective until six months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.”.

#### ORDER FOR RECORD TO REMAIN OPEN

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of legislation, submission of statements, and cosponsorships.

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

#### ORDER FOR PRINTING OF TRIBUTES AND STATEMENTS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that a collection of statements made in tribute to the late First Lady of the United States, Lady Bird Johnson, together with appropriate illustrations and other materials relating to her death, be printed.

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

#### ORDERS FOR MONDAY, JULY 16, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, July 16; that on Monday, 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 reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate resume consideration of H.R. 1585.

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

#### PROGRAM

Ms. KLOBUCHAR. Mr. President, as previously announced, there are no rollcall votes Monday. However, Members should be prepared for votes throughout the week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF PRESTON M. GEREN TO BE SECRETARY OF THE ARMY

Mr. WARNER. Madam President, I am very privileged to advise the Senate, working with the leadership on both sides, particularly Chairman LEVIN and Senator MCCAIN and myself, that I am now able to ask the Senate to proceed to executive session to consider the Executive Calendar, No. 163; that the nomination be confirmed, the motion to reconsider be laid on the table, and the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF DEFENSE

Preston M. Geren, of Texas, to be Secretary of the Army.

Mr. WARNER. Madam President, this nomination is for the Secretary of the U.S. Army, and it is essential that he be in position now. I am very pleased the Senate has taken this action.

#### LEGISLATIVE SESSION

Mr. WARNER. There being no further business, Madam President, I suggest we return to the regular order of business.

The PRESIDING OFFICER. The Senate will now return to legislative session.

ADJOURNMENT UNTIL MONDAY,  
JULY 16, 2007, at 2 P.M.

The PRESIDING OFFICER. The Senate stands adjourned until 2 p.m. Monday, July 16, 2007, at 2 p.m.

Thereupon, the Senate, at 12:11 p.m., adjourned until Monday, July 16, 2007, at 2 p.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate Friday, July 13, 2007:

#### DEPARTMENT OF DEFENSE

PRESTON M. GEREN, OF TEXAS, TO BE SECRETARY OF THE ARMY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.