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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

Gracious God, who reveals Yourself gloriously in the rising and setting Sun, make us good stewards of Your blessings. Give us opportunities to help solve the problems in our world by using our minds to produce creative solutions.

Inspire our Senators. As they abide in Your presence, make them receptive to Your guidance. Fill their minds with insight and wisdom, their hearts with resiliency and courage, and their bodies with vigor and vitality. Today, give them the grace to think not of what they can get but of what they can give. Empower them to practice conciliation without compromise. Place Your arms of protection around them and their loved ones.

We pray in Your all-powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, today the Senate will be in morning business. During the period of morning business, the first 30 minutes will be controlled by the majority, with Senators LEAHY, MIKULSKI, and KENNEDY each controlling 10 minutes. The next 30 minutes will be controlled by the Republicans. Following that division, the remaining time until 12:30 will be equally divided and controlled between the minority and the majority.

The Senate will be in recess this Tuesday, today, for a longer period of time than normal, from 12:30 to 3:30. The recess is longer because we have a 2:30 p.m. briefing in room 407 on the National Intelligence report we just received.

### ORDER OF PROCEDURE

I ask unanimous consent that the time from 3:30 to 6:30 today also be equally divided and controlled between the majority and minority.

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first half hour under the control of the majority and the next half hour under the control of the minority.

### RECOGNITION OF MINORITY LEADER

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

### IRAQ FUNDING

Mr. MCCONNELL. Mr. President, at this time there is no more important issue facing our country than the mission and the fate of the American service men and women in Iraq. This means, of course, that the men and women of this body have no higher duty than to express ourselves openly and honestly on this issue—to take a stand on where we stand.

The only truly meaningful tool the Framers gave us to do this was our ability to fund or to not fund a war. That is it. And this is what Republicans are insisting upon: that the Members of this body express themselves on the question of whether to fund or not fund the war in Iraq.

By blocking a vote on the Gregg funding resolution, our good friends on the other side are blocking a vote on this most essential question—the only question that ultimately matters. Do we oppose this war to the point of action or do we simply want to make a point?

Our colleagues say they want progress in Iraq, but by blocking a vote

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



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on the McCain benchmarks resolution, they are blocking a vote that would actually set concrete goals.

So let's be very clear about what happened last night. Our colleagues on the other side do not want to vote on whether troops should be funded—period. There is no more critical question at this moment. We have the duty to take it up, and we will continue to fight for that right.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER.

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

#### IRAQ ESCALATION

Mr. REID. The issue before the American people that relates to Iraq is the surge—the escalation of the war in Iraq. That is the debate that should be before this body, and last night that was prevented. An up-or-down vote on MCCAIN, who is supporting the surge, or a vote in opposition to the surge, the escalation sponsored by WARNER and LEVIN—that is the issue before this body today.

This is a diversion. This is a diversion. We finished the Super Bowl. This is a trick play by the Republicans. The real issue before this body is surge or no surge, escalation or no escalation. That is the debate the American people deserve.

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

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

Mr. LEAHY. I thank the distinguished Presiding Officer.

I heard what the distinguished majority leader said. I agree with him. The Senate, as I have often said, should be the conscience of the Nation. There are only 100 of us to represent 300 million people. Americans expect us to speak up on the war. Americans expect us to vote on the war. Americans expect us to vote on the issue of the surge.

Now, I understand some Senators will support the surge, some will oppose it, but allow us to have those votes. Allow us to express the conscience of this Nation.

I ask unanimous consent that a column by E.J. Dionne entitled "The War To Save The Surge" from today's Washington Post be printed in the RECORD.

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

[From the Washingtonpost.com, Feb. 6, 2007]

#### THE WAR TO SAVE THE SURGE

(By E. J. Dionne, Jr.)

When political opponents tell you that to prove your seriousness you need to pursue a

strategy they know is doomed to failure, shouldn't you be skeptical of their advice?

As the Senate considers a resolution to put itself on record opposing President Bush's escalation of the Iraq war through a "surge" of troops, Bush's backers are saying one thing and doing another.

They are saying that the resolution is meaningless and that true opponents of the war should prove their sincerity by cutting off funding altogether. But they are doing all they can to keep the Senate from even voting on a bipartisan anti-surge resolution that would send a powerful message to Bush that most Americans have lost faith in his bungled war policy.

If you doubt that the war's supporters would love its opponents to put all their eggs in the fund-cutoff basket, consider what it means for them to sound as if the administration's only serious foes were the likes of Dennis Kucinich and Cindy Sheehan.

"I don't think these resolutions, non-binding resolutions, are going to accomplish anything," Sen. John Cornyn, a Texas Republican and a Bush loyalist, told Gwen Ifill on PBS's "NewsHour" last week. "If we really had the courage of our convictions," Cornyn said, the "we" referring to the war's opponents, "if people said, 'You know what? This is an immoral task we've asked our troops to do because we don't believe in the mission, we think they're going to fail.' They ought to cut off funds. But to have this sort of—this debate without any real consequence, I just don't think is the best use of our time."

So Cornyn wants to block a vote on a supposedly unimportant anti-surge resolution, but he would be happy to entertain a debate on a funding cutoff. Does that not send a message to the war's critics?

And it's not just Cornyn. It is now a standard talking point for supporters of this war, from the editorial pages of the Wall Street Journal and the Weekly Standard to Vice President Cheney himself, to try to block any statement by Congress of its views, except through a vote to block funds for Iraq.

"The Congress has control over the purse strings," said Cheney, who on most other occasions insists upon the executive's supremacy over Congress. In an interview with CNN's Wolf Blitzer last month, Cheney added: "They have the right, obviously, if they want to cut off funding, but in terms of this effort the president has made his decision. . . . We'll continue to consult with the Congress. But the fact of the matter is, we need to get the job done."

In other words: Even if a substantial majority of Congress that includes many Republicans demonstrates a lack of confidence in the Bush-Cheney surge, the administration will feel free to ignore the other elected branch of our government—and the more recently elected branch (remember November, anyone?) at that.

Oh, and if an anti-surge resolution were trivial, why would William Kristol, editor of the Weekly Standard and one of the war's most passionate advocates, devote a long and angry editorial in the latest issue of his magazine to attacking Sen. John Warner (Va.) and other Republicans as "ignominious" for their support of an anti-surge measure? Kristol knows that every Republican vote against escalation carries special weight in speeding this war to an end. So does the Senate's Republican leadership, which used a procedural vote yesterday evening to impede the majority's will on the surge.

Supporters of Bush's war policy would love a vote on a full funding cutoff right now because they know that, at this moment, they could win it. They would love responsibility for the failures in Iraq to fall not on an administration that planned its policy so badly

and carried it out so incompetently. Far better for them to heap blame on the war's opponents for "losing faith."

And they know, as the war's opponents should, that in a democracy whose constitution accords so much power to the president, turning around even a failed war policy takes time, persuasion, organizing, legislative strategizing and pressure.

The impatience of the administration's critics is entirely understandable. But it would be a shame if impatience got in the way of a sensible long-term strategy to bring America's engagement in this war to as decent an end as possible as quickly as possible—even if not as quickly as they'd like. The anti-surge resolution is a necessary first step, which is why those who are against a genuine change in our Iraq policy are fighting so hard to stop it.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 495 are located in today's RECORD under "Statements on Introduced Bills and Resolutions.")

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

#### IRAQ

Ms. MIKULSKI. Mr. President, to my colleagues, my constituents, and the American people, I rise today to absolutely say without any equivocation that I do support the Warner-Biden-Levin resolution on Iraq opposing the escalation of our troops. I also stand in the Senate to say: We were robbed! We were robbed of our ability to be able to vote on this resolution!

The American people, on November 7, sent a message to Congress and to the President of the United States: Change the tone in Washington, change the direction in Iraq, and change the priorities of this Nation. We, on this side of the aisle, got the message. The other side does not seem to have. This parliamentary maneuver to block a vote on the Warner-Biden-Levin resolution, to allow us to vote up or down on approving the escalation, shows that it is the same old tone. Please, let's give the process a chance.

Second, it also robs us of the ability to begin to express our vocal support for changing the direction.

This bipartisan resolution is a first step. It is not going to be the last word in bringing our troops home safely and swiftly. The Warner-Biden-Levin resolution affirms clearly and unequivocally a commitment to our men and women in uniform: Congress will not abandon you while you are in Iraq and when you come home. We stand by our troops. However, this resolution says "no" to the President's reckless plan to escalate troop presence in Iraq. The bipartisan resolution insists that the Iraqi Government stand up for its own people to provide security, services, and an agreement on oil revenue sharing.

I am not new to this position. I never wanted to go to war in the first place. I was 1 of the 23 who voted against this war on October 11, 2002—4 years ago. I will never forget it. I didn't believe the administration's arguments then, and I

don't believe them now. I opposed giving the President unilateral authority to launch a preemptive attack. I said the United States had to exhaust its diplomatic options. I encouraged the administration to stick with the U.N., to let the U.N. meet its responsibility to deal with the Saddam threat. I said we should not go on our own.

The day of the vote, I was so filled with apprehension about the course of the war, about the course we were embarking on, I said in this Senate that we don't know whether our troops will be greeted with flowers or landmines. Well, now we know. That mission did not get accomplished. I called the 72 families in Maryland who gave their lives and made the ultimate sacrifice. I know what is going on out there with the families. I also know when we got to Iraq there were no weapons of mass destruction, but the destruction happened, and it happened fast.

No one can ask more of our troops. They are brave. They are courageous. They have fought valiantly. But after 4 years of fighting, where are we in Iraq? Well, the United States, went to war with Iraq, but right now we are at war within Iraq. Saddam is gone, but we are still there. And we are mired in a civil war between different ethnic and sectarian groups.

I have stated what I am against, but let me state what I am for. I am for the Warner-Levin-Biden resolution. I salute the leadership who produced it: JOHN WARNER, a decorated war hero, former Secretary of the Navy, chairman of the Committee on Armed Services when the Republicans were in control, a distinguished person, and a man of great comity and civility—no one more compassionate about America's security than JOHN WARNER; JOE BIDEN, chair of our Foreign Relations Committee; CARL LEVIN, an expert on the Committee on Armed Services and now the chairman. They put their heads together and they came up with this resolution, and to a man—and this woman supports them—the Senate opposes the President's plan because we think it is reckless.

The bipartisan resolution says the objective of overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises, to foster reconciliation, and strengthen the unity government. This is what I consider essential.

The resolution says the primary objective of our military strategy should be to maintain Iraq's territorial integrity—fancy words for protecting the border; deny the terrorists a safe haven—yes, but they weren't there in the first place; promote regional stability; promote counterterrorism; train and equip the Iraqi forces. We have been doing it for 3 years. Guess what? They have not been showing up! And the other day when they were supposed to show up for a battle, 55 percent of them showed up in Baghdad. Gates, our new Secretary of Defense, said: Isn't this improvement? Last year, they

didn't show up at all. It is their war and they are not showing up. Why should we show up for their war when they have a 50-percent attendance rate? What is wrong with this thinking?

As much as possible, the current U.S. military operations should be confined to these goals. We show up, they don't. Something is really wrong with this picture.

The bipartisan resolution calls for the United States to engage the nations in the Middle East to develop a regionally and internationally sponsored peace and reconciliation process. That is what we should be doing. The resolution says it should not be an open-ended commitment or unconditional. Sure, there should be benchmarks, but benchmarks with enforcement capability.

I do support this resolution because it makes clear to our men and women in uniform that Congress will not abandon them. It explicitly says that Congress should not take any action that will endanger U.S. military forces in the field. Whether on the battlefield or on the homefront, our troops deserve the best.

Also, the latest intelligence shows that Iraqi leadership has to make difficult changes. The solution in Iraq requires a political solution from the Iraqis—not military muscle—from the Americans.

There are parts of this resolution with which I don't agree. They call it an augmentation; I call it escalation. I oppose the calls for the vigorous operations at Anbar until there is greater clarification. There is no doubt that al-Qaida is operating in Iraq. But when I voted 4 years ago, al-Qaida was not there; they were in Afghanistan. Why didn't we stick with Afghanistan and really clean their clock? Now the President wants to send more Marines to Anbar to fight al-Qaida when we should have been in Afghanistan, catching Osama bin Laden.

We do need a way forward in Iraq. The Iraq Study Group gave us 79 recommendations as a way to go forward. Surely the President of the United States could have found 50 for us to sit down at a table, talk, and work together for the good of our country, the good of our troops, and the good of peace in the Middle East. Seventy-nine recommendations and they have all been cast aside. The Iraq Study Group calls for diplomatic and political efforts, a change in their primary mission to move our troops out of Iraq responsibly. They gave us a way forward that they believe could have gotten our troops out by the first quarter of 2008. Let's give those 79 recommendations at least a forum to be debated and discussed and acted on.

Where do we go from here? I will tell you where I think we ought to go. First of all, we ought to have a vote on the Warner-Biden-Levin resolution. If they do not want to give us that, give us a vote on the McCain resolution to vote

to approve this escalation. One way or the other, that is our constitutional duty.

The President says he does not need congressional consent to be able to do this reckless escalation. But he sure does need congressional advice. And my advice is, let's send in the diplomats before we send in more troops. We need a robust diplomatic strategy to match our robust military strategy. We need to make it clear that the Congress will not abandon our troops in the field, and we will not abandon them when they come home. Look at this President's budget; we are abandoning our troops. This whole escalation—sure, they talk about money for the 21,000, but it takes another 20,000 to support them. They don't walk their talk. They don't put the money in the budget.

Then we have our troops coming home. You look at the President's budget on Veterans Affairs—not only have they lost the records, they have lost their way at VA. We are not equipped to deal with Iraq and Afghanistan veterans coming home. They have horrific, permanent wounds of war, and we have a weak, unreliable funding system. You can't just support the troops with yellow ribbons. You have to put the money behind it. How about putting the money behind it when they come home? They need us. And they need us not only with words; they need us with deeds in the budget process. And I don't see it.

Now, we also need to make it clear to Iraqi Prime Minister Maliki that he has to start to act. Speaking of showing up, I saw they could not get a quorum in the Iraqi Parliament. Only 50 percent of the troops show up, their own Parliament doesn't show up, but we show up with 21,000 more troops? The Prime Minister must meet benchmarks.

Let me conclude by saying that a great American military should not be a substitute for a weak Iraqi Government. Neither Congress nor the American people will abandon our troops, but the best way to support our troops is not to send more in harm's way.

Mr. President, I ask unanimous consent that the remaining time for Senator KENNEDY be reserved.

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

Ms. MIKULSKI. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

#### IRAQ

Mr. CORNYN. Mr. President, I noted with some interest the headline in today's Washington Post. It says "GOP Stalls Debate on Troop Increase." I must say, in light of the remarks of the Senator from Maryland, obviously nobody has stalled the debate on troop increase or anything else to do with the conflict in Iraq. In fact, I think that is a positive thing because there isn't

anything more important, in my view, than debating this important issue and, as the Senator from Maryland said, supporting our troops.

I do have profound disagreement, though, that these nonbinding resolutions which have been offered do anything other than encourage our enemy and undermine our troop morale.

I wonder why it is that so many are insistent that we proceed forward on nonbinding resolutions when, in fact, we know what power the Congress has when it comes to war. It is not to supplant the Commander in Chief, it is not to have 535 micromanagers, but it is the power of the purse. Yet it is the very amendment that Senator GREGG, the Senator from New Hampshire, has offered that the majority leader has denied an opportunity to debate and on which to have an up-or-down vote. That is what the vote yesterday was about. It is not to cut off debate; it is to make sure the debate continues and that the varied positions espoused by Members of the Senate are not only fully debated but that there is an opportunity to vote on those positions.

At least two Members of the majority—Senator DODD and Senator FEINGOLD—have made it clear that they believe the power of the purse should be exercised to cut off funding to support this new plan forward. While I disagree with them, I do respect the fact that they actually intend to vote for something that would make a difference in the outcome as opposed to the nonbinding resolutions which have been offered by Senator LEVIN and others.

I do not understand why it is the critics—the President's critics and the critics of what is happening in Iraq—why they will not take yes for an answer. Yes, as the Senator from Maryland said, on November 7, obviously, Iraq was on the minds of the American people. It is one of the reasons why, frankly, the then majority is no longer the majority.

There were critics on the other side of the aisle who said the Secretary of Defense needed to be replaced. Now we have confirmed a new Secretary of Defense, Secretary Robert Gates.

There are those who said: What we are doing in Iraq is not working, so we need a new commander. And, indeed, we have confirmed, unanimously, a new commander of Coalition Forces in Iraq.

There are those who said: We need a new plan in Iraq. And lo and behold, the President announced a new plan after lengthy consultation.

I think there is a fair amount of revisionist history or selective memory going on. For example, there are some who said the President did not consider, in coming up with this new plan, the provisions of the Iraq Study Group. Of course, this is a bipartisan group that made 79 different recommendations. But I would challenge the critics who say the President ignored the Iraq Study Group report to look at page 73 of that report, where they say, unani-

mously—a bipartisan group—they could support a temporary surge of troops to secure Baghdad if it was necessary.

Indeed, if you look at this new way forward, that is precisely what it is, a temporary surge, supporting Iraqi troops to provide an opportunity not only to clear but to hold Baghdad and then to build and begin the political reconciliation process that is necessary for stabilization.

My colleagues on the other side of the aisle are saying we do not want to debate, when the truth is they are denying us a right to vote on some of the key resolutions that define the nature of the debate in this Congress.

We want a debate. We want a debate, but we want it to be a fair debate. And we want it to be representative. We want to expand and extend the debate so we can fully examine and discuss what is at stake in this central front in the global war on terror. We want a full and comprehensive debate and an opportunity to vote. Do they?

If our friends on the other side of the aisle are serious when they say they do not want to block funding for our troops, then why are they dodging an amendment offered by Senator GREGG that would allow them a vote on that important issue?

Now, I disagree that we should ever cut off funds to support our troops while they are in a time of war. But I think if you feel what is happening in Iraq cannot be justified, if you feel we have already lost and we are merely sending more troops into harm's way, with no chance of accomplishing the mission, then I would say the only real vote that matters would be one that would cut off the funds to allow that to happen. That would be the moral decision to make. I simply disagree with the judgment. I do not believe all is lost. I do believe this new plan, this new commander, this new Secretary of Defense have a reasonable chance of success.

Now, we all agree the consequences of failure in Iraq are not simply something we can walk away from. The Iraq Study Group said that failure in Iraq could result in a regional conflict, most likely ethnic cleansing, where the sectarian violence would spiral out of control, perhaps bringing in other countries to defend the various sectarian parties to that conflict.

We know from sad experience what happened in Afghanistan after the Soviet Union was defeated by the Afghan rebels, where the Taliban and al-Qaida set up business in Afghanistan and used that as a place to train and recruit and then to launch terrorist attacks against the United States, such as what occurred on September 11, 2001.

Where is the plan of the critics of this new way forward in Iraq? What is their plan to avoid a failed state in Iraq? Where is their plan to avoid the kind of regional conflict and the humanitarian crisis that will most likely occur if, in fact, we do not try to sup-

port this new plan forward and bring stability to Iraq long enough to where the Iraqis—which is their responsibility—can engage in the reconciliation process and the political process necessary to stabilize that country, which is in their best interest, which is in our best interest? Because we know if things spiral out of control in Iraq, if we decide to precipitously leave Iraq and it becomes a failed state or becomes a killing field for ethnic cleansing, we will most likely have to return at even greater loss of blood and treasure.

So I would ask the new majority, since the Senator from Maryland mentioned the election of November 7, what is your plan? To criticize may be OK if you are in the minority. But if you are the majority, surely you have a responsibility to offer a constructive alternative. It is not constructive to merely criticize the new plan that is going to be executed by the new commander, unanimously confirmed by this Congress, and a new Secretary of Defense.

I must say, with all due respect, it is not supporting our troops to send them into harm's way if, in fact, our colleagues believe all is lost and they cannot succeed. I do not believe that. But if, in fact, they truly do believe that, then they should stand up and be willing to vote on the only resolution that would have an outcome on that determination. That is the Gregg amendment.

It is because we have been denied an opportunity to vote on that only amendment that counts that this debate continues. It was not cut off yesterday; merely a fair process was secured for those of us who think that all views ought to be represented and we ought to have more than one vote rather than be railroaded in this process.

Mr. President, I yield the floor.

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

Mr. THUNE. Mr. President, yesterday, by a vote of 49 to 47, a cloture motion failed that would have essentially cut off a broader debate on the big issue of the day; that is, how are we going to deal with the situation in Iraq? I think the vote failed not because, as was reported in some newspapers, Republicans did not want to debate the issue but, rather, because we want a full debate on the issue.

The importance of this issue and the stakes associated with its outcome warrant a full debate, not one restricted by one party in the Senate. The full range of views on this issue deserves to be heard. They deserve a voice in the Senate. The American people deserve that debate. And surely, the Americans in uniform who are fighting and dying deserve that debate in the Senate.

Saturday, I attended two welcome home ceremonies for National Guard units. Both performed superbly in fighting the global war on terror. The 114th Air Wing, a National Guard unit

in Sioux Falls, SD, has been deployed all over the planet. They have been in Afghanistan. They have been in Iraq—16 different places since 2001, after the terrorist attacks, in each case performing with distinction. They support an F-16 mission and have been utilized extensively. In fact, 72 percent, I believe, of all the members of that unit have been deployed someplace in the last 5 years, as we have been fighting this war on terror.

They and their families deserve a debate in the Senate about the future of that mission they have been undertaking. There has been a lot of debate around the country, a lot of debate in Washington about what to do next. We have now before us a plan which is a change of strategy. It incorporates more involvement by the Iraqi security forces in terms of their military. Also, their political structures, their Government has certain benchmarks it has to meet and economic requirements they have to comply with regarding the division, distribution of oil revenues—a whole range of things that have given us a new opportunity, a new opening to get this right with the situation in Iraq.

I believe the families of those who have served and sacrificed certainly deserve to have a full debate, not a restricted debate, in the Senate, a full debate where the full range of views, the full range of options that are held by the American people can be adequately voiced.

I also attended a welcoming home ceremony for the 147th Field Artillery, 1st Battalion, Charlie Battery, in Yankton, SD. This is a unit which has contributed mightily to the war on terror and suffered greatly. They have had four members of their unit who never came back, killed by IEDs: SGT Richard Schild, SGT Daniel Cuka, SGT Allen Kokesh, and SGT Greg Wagner—young Americans who will never be with their families again.

Also, they had a young sergeant in their unit who has suffered debilitating injuries, brain injuries that he continues to receive intensive medical treatment for and perhaps will never be the same. They had a young specialist, Brian Knigge from Plankinton, SD, who suffered injuries from which he is still recovering.

They are a unit that has suffered greatly in this war on terror. Yet there is a tremendous resilience and commitment and dedication to the mission. The area in which they were involved was the training of Iraqi security forces, specifically the Iraqi police, in the area of Baghdad, which is why it was so very dangerous for them. And the IEDs that have killed and seriously injured so many of our young American soldiers who are serving in that region did four of their comrades in. And as I said, a couple are very seriously injured.

They and their families who have sacrificed so greatly—and when I go to these events, I, obviously, have oppor-

tunities to interact with the families, with those whom these soldiers left behind. It is heartbreaking to see the separation, the consequence, and the cost of war. Yet at the same time, we have to realize when we get into a conflict like this, it is not just about what we are doing today, it is about securing a better, safer, more secure future for the next generation of Americans.

That is why this debate is so important. Many have argued what is happening today in the Middle East, in Iraq, is simply a regional conflict or a conflict between different sects within Iraq. But, frankly, we all know this—you do not have to be a rocket scientist to see what happens when these terrorist organizations are left free to prey in areas such as that, where there is not a lot of control and security. They begin to use these places as sanctuaries and safe havens to launch attacks against other places across the world, including the United States.

It is important, in this global war on terror, that we understand what the consequences and stakes of our failure are. I believe that is why, when we have a debate, we need to have a debate that reflects the full range of options and the full range of views that are available to the Senate when it comes to the future of Iraq—again, the discussion about consequences of failure, the discussion about plans going forward.

Right now we have a plan in front of us. We have a strategy that has been put forward by the President and his commanders in the region. We have a new commander on the ground, General Petraeus. We have some new troops heading into the area. There are changes in the rules of engagement. This may be our last best shot, our last best hope of being able to get this right.

We have engaged in this debate in the Senate which, again, in my view, sends entirely the wrong signal, the wrong message to our troops and to our enemies who interpret these messages that we send as a lack of resolve, a lack of will to finish what we started. More importantly, ultimately, the reason this has such great weight and gravity is that the people who are the primary receivers of the messages we send are the troops in the field. It is very difficult to say to those troops who are day in and day out putting on the uniform of the United States, performing a mission that we have asked them to do, which we have pointed out has grave consequences not only for that immediate region but for the entire free world—if you look at the arc of extremism that branches from areas such as Afghanistan and al-Qaida to areas such as some of the terrorist organizations in Lebanon, in the Palestinian territories, all these terrorist organizations and attacks are orchestrated by organizations that want to kill and destroy Americans.

We have a responsibility in the debate to make sure that when we are putting young Americans in harm's

way, we are allowing a debate to go forward that examines the full range of views, the full range of options that are available to the Senate. Frankly, the one that matters the most, in terms of the options we have as a nation and as the Senate, comes down to the issue of funding. Frankly, we don't have an opportunity in this debate to talk about the real tool the Senate has when it comes to this issue; that is, the issue of funding. We have nonbinding resolutions. Everybody wants to debate nonbinding resolutions. They are nonbinding, but they are not meaningless. They send a message that we are not supportive of the mission our troops are undertaking.

But if the Senate is serious about doing its work, and if there are well-meaning and thoughtful people on the other side of the aisle who want to have this debate, then we ought to get down to what real options, what the real tools are at the disposal of the Senate when it comes to having any kind of a role in what happens in the future of Iraq. That is the issue of funding.

The leadership on the other side has said: We are not going to allow you to have a debate that includes that option, that includes the other options proposed, some from the other side that have talked about troop caps, withdrawal timelines.

Ultimately, fundamentally, if the other side is serious, let's have a debate about funding because that is the tool the Congress has at its disposal. If that is not a part of the debate, we are not serious about this debate or the range of options that ought to be heard and voiced in the Senate.

I see I have other colleagues who want to speak on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Would the Chair remind me when there is a minute remaining?

The ACTING PRESIDENT pro tempore. Yes.

Mr. KENNEDY. I thank the Chair.

Mr. President, last evening the Republicans said no to an honest debate about what is best for our troops in Iraq, our national security, and for the American people. Our men and women in uniform have done everything that we have asked them to do. They have served with dignity, honor, and valor. They have served in Iraq longer than American forces fought in World War II. It has been said by Republicans and Democrats: This doesn't cry for a military solution, it cries for a political solution and resolution. Still we have a President who is relying on sending an additional 20,000 to 38,000 troops more to what is effectively a civil war.

The cost in blood and treasure has been staggering. More than 3,000 Americans have been killed so far, including

64 from Massachusetts; more than 23,000 have been wounded. In my home community, SGT Alexander Fuller of Centerville, MA, was buried last week; Keith Callahan of Woburn, MA—Woburn, MA, that had a higher percentage of soldiers killed in Vietnam than any other community in our State. High school class after high school class after high school class joined the U.S. Marines. They were in the thick of the fighting with devastating losses. Keith Callahan, in his fourth trip to Iraq, was killed just 10 days ago. The services in that community took place last week.

Hundreds of thousands of Iraqis have been killed, and millions have fled their homes. We have spent hundreds of billions of dollars on the war already. Today the President is asking for hundreds of billions of dollars more. President Bush insists on his policy of escalation, while most of us in Congress are increasingly convinced that deescalation is the only realistic strategy. The American people do not support further escalation of this war. The legislation on which we seek an honest debate is intended to make a record of who is on the side of the American people and opposes sending tens of thousands more American troops into this civil war.

Despite the clear result of the November election, our Republican colleagues are not prepared to face the truth on Iraq. They are determined to avoid a debate on the most important national security issue of our time. They are willing to allow tens of thousands of more young men and women to be dropped in the cauldron of a civil war.

The cost in precious American lives is reason enough to end this mistaken and misguided war, but the cost at home came into full view yesterday as we received the President's budget. This President's budget devotes more than \$200 billion to the war in Iraq. Where does the money come from? It comes from the Children's Health Insurance Program, as the President's budget underfunds the CHIP program by \$8 billion. That program provides health care to low-income children. It has had bipartisan support in the Senate and the House of Representatives. It has made an extraordinary difference to the quality of health of millions of children. There are millions of children who are qualified for this program. But because the Federal Government doesn't provide the help to the States, those children are not going to get covered.

Make no mistake about it. We are taking those resources that ought to be devoted to the CHIP program and sending them to Iraq. It comes from our children's education, the No Child Left Behind Act, because this budget underfunds the No Child Left Behind reforms by almost \$15 billion. What are we saying? We are not going to get the well-trained teachers that this legislation requires. We are not going to have the adequacy of supplementary serv-

ices to help those children in high school. We are not going to move toward smaller class sizes. We are not going to have an effective program to bring in parents. We are not going to have the examination of these children to find out what they need in terms of help in their classes. No, because we are shipping billions of dollars to Iraq.

Twenty-three thousand children are in the streets of Philadelphia today, having dropped out of school; 22,000 children have dropped out of school in Cleveland, OH. It is happening all over the country. And what are we doing? Sending away billions and billions of dollars that ought to be there for prevention programs to stop those children from dropping out of school, to help those children get back into school so they will have useful and productive lives. They are the ones who are paying for these wars.

As to seniors, our disabled citizens, the President cut \$66 billion from the Medicaid Program which is a lifeline to millions of retirees and disabled children. I was there when President Johnson said: You work hard, you pay into the Medicare Program, pay into those programs, and we guarantee you that you are going to have the health care you need for the rest of your life. That is a commitment that we made. Now we are skimping on it. We didn't provide at that time a prescription drug program. We provided one eventually that served more for the drug industry and the HMOs than it did for the senior citizens. We are cutting back on health care for our seniors and the disabled.

It comes from our workers who are looking for good jobs to support their families because the President's budget slashes \$1 billion from programs that train Americans for jobs for the future. How many speeches will we hear about competitiveness and the problems we are facing in terms of the world economy, how we are going to have to redouble our efforts in order to be competitive, to have the new industries that will provide new jobs and new benefits and new opportunities for our citizens. Every Member of this body will be making that speech someplace in their State next week. We know that. What are we doing?

In my State of Massachusetts, we have 275,000 people who are unemployed, and we have 78,000 job vacancies. The only thing that is lacking is training. We have 24 applications for every opening for training. People want the training to get the skills to participate and take care of their families. What does this President do? He cuts that program. That is part of the cost.

People are asking back home—down in New Bedford and Fall River and Lowell and Lawrence and Holyoke and Springfield—who is going to stand up for us? It is not only the loss of their sons and daughters from those communities, but they see that it is gutting the lifelines to their communities, the children and the elderly, those who are

the most vulnerable in our society. They are paying the price. Read the President's budget. Make no mistake about it. Who is paying the price? They are paying the price, the neediest people in our society.

Then it comes from the poor who are struggling against the bitter cold. It cuts 17 percent of the funding for the Low Income Energy Assistance Program that helps low-income families heat their homes. Maybe it is warm in certain parts of this country, but it is cold as can be in many others. There are a lot of needy people in those cold areas where there is a completely inadequate fuel assistance program now. This administration has cut back on that program year after year after year, and this year is no different, a 17-percent reduction.

Most of the elderly people, the needy people in my State, need to have their oil tanks, if they are using home heating oil, filled three times a year. This won't even let them get one tank of fuel assistance in their homes over the year. The poor are paying a fearsome price. They are seeing their funding diverted to these conflicts and the surge in Iraq.

This is a war that never should have happened. It is a war that should be brought to an end. Yet the administration is allowing it to go on and on, mistake after mistake after mistake. This terrible war is having an effect not only on our troops, who are paying the highest price, but on our children, our elderly, our schools, our workers, and the poorest of the poor here at home. Make no mistake about it. While the President forges ahead with a surge in Iraq, the American people need a surge at home. Americans see the cost of their health care and the cost of college going up. What about a surge in our health and education policy to help meet their needs? What about a surge in those areas?

I have introduced legislation which would require the President to get the authority he needs from Congress before moving forward with further escalation in Iraq. I intend to seek a vote on it, unless the President changes course. The debate is about what is best for our troops and our national security. Our forces have served with great valor. They have done everything they have been asked to do. Sending more of them into a civil war will not make success any more likely. We have a responsibility to vote on this issue before it is too late. The American people deserve to know where the Republicans stand and where the representatives in the Congress stand.

I look forward to that debate and a vote at the earliest possible time.

I yield the floor.

#### ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, how much time does the minority have?

The ACTING PRESIDENT pro tempore. The minority has 8½ minutes.

Mr. DEMINT. I ask unanimous consent that the Senator from Colorado be able to speak for 10 minutes following my remarks and the remarks of Senator COBURN.

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

#### WORLDWIDE WAR ON TERROR

Mr. DEMINT. Mr. President, I rise to speak about one of the most important issues of our time: the worldwide war on terror.

I have to say I was disappointed to read in this morning's Roll Call that many of my Democratic colleagues are using this debate for the 2008 elections rather than focusing on the real damage that the resolution we have been discussing will do to our national security.

One of our greatest Presidents, Theodore Roosevelt, once said, "It is not the critic who counts. The credit," he said, "belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs, who comes short again and again, because there is no effort without error and shortcoming."

"The credit," Roosevelt said, belongs to the man "who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly."

At this very moment, our Commander in Chief and those he commands are daring greatly.

Our men and women in uniform are paying with blood, sweat, and tears. Yet many in this body prefer to sit in the stands and offer criticism rather than support.

For the past 50 years, the Middle East has been a cauldron of brutality, war, and despair. The region's instability has threatened the entire globe and reached our shores on 9/11 with a stark awakening.

This is why we are involved in the Middle East. The future security of our homeland is tied directly to a successful outcome not only in Iraq but in Afghanistan, Lebanon, the Palestinian territory, and a number of Middle East countries that harbor evil men who foment hate through a perverted version of Islam.

Yet as our efforts in Iraq encounter fierce resistance from a determined and evil enemy, support for our efforts has waned here in Congress. Instead, many of my colleagues prefer to support a nonbinding resolution that would express disapproval of the President's plan to reinforce our troops in Iraq.

Voting for this resolution is not leadership, it is criticism—criticism without the courage of offering real solutions. While this resolution may be toothless by force of law, its sym-

bolism is dangerous. Voting to condemn the President's plan is a vote of no confidence in the mission we have told our troops to fight and die for. But it is also a slap in the face to General Petraeus just days after we voted unanimously to support his leadership of our troops in Iraq.

"Godspeed, General," was what one of my colleagues said before introducing the very resolution that would undermine the general's authority and his plan for victory.

This is not leadership. We were elected to make tough decisions and that requires understanding our choices, selecting the best choice, and then following through. But I am afraid the critics in this body do not acknowledge the real choices before us. There are only three:

First, to continue the unworkable status quo; second, to admit defeat and withdraw; third, to renew our strength until we win.

I respect my colleagues who disagree with the President's strategy in Iraq, but only if they exercise leadership and support an alternative solution, one that proposes a serious path to victory, or announces defeat and ends our involvement immediately, not only in Iraq but throughout the Middle East, because America will no longer have any credibility to carry out our work in any part of the world.

If my colleagues do not support sending reinforcements to Iraq, they should introduce legislation blocking that action. While I believe this is shortsighted and wrong, it would at least be genuine leadership.

My hope is we will stop trying to second guess past decisions in order to lay blame and instead remember we are locked in a struggle much larger than Iraq. It is a struggle of security, hope, and freedom versus hate, despair, and fear. The battlefield is the entire world.

We must understand the stakes and demonstrate real leadership. This is not the President's war, it is freedom's war, and we all share the responsibility for the outcome.

A century later, Teddy Roosevelt is still correct. The critic "who points out how the strong man stumbles, or where the doer of deeds could have done them better" is destined to be relegated to that terrible place "with those cold and timid souls who neither know victory nor defeat."

There is only one policy worthy of the blood and sweat of our troops: a policy that completes our mission with dignity, honor, and victory.

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

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

Mr. COBURN. Mr. President, I have not come to the floor, except once, in the 2 years I have been here to discuss the war in Iraq. I have been to Iraq and had experience in Iraq as a medical missionary during the first gulf war.

I am very much concerned as to how the world will read us. What we know is that enemies try to defeat us not by trying to defeat us on the battlefield or in Iraq; they try to defeat our will, try to defeat the will of the American public.

Senator DEMINT talked about leadership. Leadership is laying out the real consequences of our action. What are those consequences? What next? What is going to happen next? What is going to happen? We heard this morning that we are trying to delay this resolution. We are not trying to delay it. As a matter of fact, they are saying we would not debate it. We are debating it right now. The fact is, we believe you ought to have a resolution that says we support our troops in this group of resolutions. Unless we get some semblance of saying we want to send a signal to our troops that we support them, we should not have a rule that precludes that.

So politics aside, and the next election aside, and the Presidential election aside, what does it mean to the American people about what we end up doing in Iraq? That is the question we should be asking. We should be making sure that the mistake we do not make is to have an ill-informed American public about what the consequences will be.

Regardless of whether we should be in Iraq, we are there. We cannot change that. The question comes, what does the Iraq Study Group say? They said we needed to secure Baghdad; they said we needed reinforcements to be able to do that; they said we needed more funds to make a difference in people's lives. These are the funds that go to the generals to actually approve things.

Can we accomplish something in Iraq or do we walk away? Here is what happens when we walk away. No. 1, there will be a genocide in Iraq. The minority Sunni population will scatter out of Iraq, and those who don't will be killed.

The northern Iraqis, the Kurds—what will happen to them? If we are gone and full-blown civil war breaks out, what will happen to the Kurds? This is a group of 36 million people who have not had a homeland since the Ottoman Empire. Genocide was committed against them by Saddam. What will happen to them? They will be seen as a risk to Turkey. Turkey already has problems with its Kurdish population.

What will happen in Lebanon? Probably civil war.

What will happen in Jordan?

What will happen to the Sunni gulf states, as they now fear Iran and its dominance?

This is a war Iran wants us to leave. Why? Because they want to empower themselves to be the dominant force in the Middle East. We can talk about all of the resolutions and how we disagree; that is basically political posturing, and you can disagree. But as the Senator from South Carolina said, unless



you put something into force of action, it is criticism, not leadership. We need to calculate whatever we do in this body, based on what the outcome of that calculation is going to be, not by giving bellicose speeches that set up false choices that are not there. The fact is we have an obligation to the very people—the innocent people—in Iraq today.

We can walk away from that, but history will judge us harshly. The estimates are there will be 5 million people displaced out of Iraq. There will be between 700,000 and 1 million additional Iraqis who will die. Do we not have an obligation to make that not happen? Do we not have an obligation to do what is in the best long-term interests of this country? Is it in our best interest for this country to get out of Iraq? Is it? How does that fit with the war on terror and our ability to conduct that war when we create in Iraq, by withdrawing, a new state that is run by al-Qaida and by the Shia, which will in fact have the funding to dominate in the international arena with terrorism and hatefulness and murder and pillaging of innocent people?

It is not as simple as everybody here wants to make it seem. It certainly should not be political. But that is where we are going. The very comment that we cannot have a debate on supporting the policy, that we will not allow a resolution that says we are going to support our troops—why don't they want that? It is because that will get the highest number of votes. That will become the story—not the story that somebody postured in a position that is well-intended and well-meaning, that they don't think a surge or a reinforcement in Iraq is correct.

America is at a crossroads. The crossroads is whether we will fulfill and carry out the responsibilities, some of which we added to ourselves by our very position, but whether we will fulfill that. We will be judged by history.

To undermine many of the steps that the Iraq Study Group said, which is in the President's plan, nobody knows if this will work, but I guarantee it will not work if we send a signal to those who oppose us that this is it. All they do is sit and wait. More of Iran's influence and more dollars from Iran coming into Iraq—more to defeat us. If you defeat the will of the American people—and, by doing that, that is our problem—if we allow that to happen as leaders in this country, then we will be responsible for that 5 million displacement, for those million deaths, and the millions that will follow when you have a Middle East dominated by Iran with a nuclear weapon.

We should think long and hard. The American people should not respond just to the urge to get out of Iraq but respond to the well-thought-out consequences of what happens next. And what happens next is a disaster, not only for the people of Iraq, for the people of the Middle East, but also for the

national security of this country and our ability to carry out our foreign policy in the future.

I earnestly pray that we will consider the actions here and the words here in light of what comes next, not in terms of politics but what happens to our country.

Denying the heritage we have of sacrifice for freedom and liberty and denying that it costs something and walking away from that, we will reap that which we sow as we walk away from it. Caution to us as we do that.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. shall be divided between the majority and the minority.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, this is a disappointing day for the Senate and for the United States of America because the debate we should be having on this floor, which is taking place around procedural issues, should really be a debate about what is happening in Iraq and the new direction we should be heading in Iraq.

It is disappointing as well that it has been postured somehow as a political debate from the other side. The fact is that what happens in Iraq today and what happens in Iraq in the months and years ahead is, in fact, perhaps the most important issue we can face in the United States of America and in the world, and it is important that this body, elected by 300 million Americans in each of our respective States, grapple with the fundamental defining issue of our time.

It is also important, as we grapple with this issue of the future of Iraq and the involvement of the United States, that we try to move forward in a manner that is bipartisan. At the end of the day, the only way in which we are going to achieve stability in the Middle East and we are going to bring our troops home—which I believe is a goal that is shared by the 100 Members of this body—is if we develop a bipartisan approach to getting it done. Yet, at the end of the day, we can't even seem to get beyond a procedural obstacle to get to a debate on the central issue that was presented by a bipartisan resolution, led by some of the most distinguished Members of this Senate, including Senator WARNER, Senator LEVIN, and others. We cannot even get past the procedural problem for us to end up having a discussion and a vote on that very simple issue.

I ask our brethren on the other side that they join us in getting through this procedural roadblock so that we can have an effective debate and a vote on a question that is before us concerning the future of Iraq and the President's plan on how we move forward.

I am disappointed as one Senator that today we are not on this floor debating the alternative resolutions that

were submitted in the last week, which are bipartisan in nature, and then deciding how to move forward as a Senate. I am very disappointed that we have not been able to get there.

Let me also say that for those who have said the political posturing is taking place on this side, I don't believe that is at all the case. The fact is, what we have been trying to do on this side is to have an open and honest debate, and again underscoring the reality that if we are going to find our way out of the quagmire in which we find ourselves in Iraq, it is going to take a true bipartisan effort to get us to a place where we can say we have peace and stability in the Middle East and we have brought our troops home. I hope as we move forward in this discussion that we will be able to find some of that bipartisan consensus.

At the end of the day, when we look at what is happening in Iraq, we need to recognize the realities. We need to know and remember the 3,100 men and women who have given their lives on behalf of the mission the President assigned to them in that country. We need to remember the 23,000 men and women in uniform who today are wounded and who are carrying the scars of the war with them day by day and for many of them for the rest of their lives. We need to remember the 137,000 men and women who are on the ground in Iraq today. The bipartisan resolution we put forward with Senator WARNER, Senator NELSON, Senator COLLINS, and others recognizes that. We recognize the bravery of the men and women who have given so much of their time and their life in Iraq, and we recognize the need for us to support our men and women on the ground in Iraq.

But we also recognize that what the American people are asking us to do is to chart a new direction for Iraq. I have heard some of my colleagues on the other side—as there is criticism on this side—that all we are doing is being critical and not offering alternatives. The fact is that we are attempting to come up with a new direction in Iraq, and that is what is embodied in the Warner-Levin resolution. It is, in fact, a new direction and new strategy in Iraq.

Mr. President, I ask the Members of this body and I ask the people of the United States of America to consider what are the options before us. In my view, there are three options. There is plan A. Plan A is a plan—which was put forth by the President after several months of deliberation in which he concluded what we had to do in order to be successful in Iraq—to send 21,500 additional troops. In real terms, that is about 48,000 additional troops assigned, mostly in Baghdad. Some people have called it an escalation. Some people have called it a surge. That is the heart of the plan. It is a plan he announced in early January, a plan he reiterated at the State of the Union, that we assign 21,500 troops to Baghdad.



The question we all ought to be asking ourselves is whether that will work. Will plan A work? I believe those who have studied the issue in great depth would answer the question no—no, it will not work; no, it will not work because Operation Going Forward in June of 2006, just 7 months ago, showed that it does not work. And when that didn't work, we went in with a surge of some 7,000 troops in August in Operation Going Forward Together No. 2, and again that did not work. If today we go in with 21,500 additional troops, plus all the support for the troops that is going to be necessary, what is going to be the result of that endeavor? In my view, we have been there, we have done that, and it hasn't worked. So we have to look forward to a new direction. So I believe plan A, the President's plan, is not a plan that is going to work.

Then there is plan B. Plan B is being advocated by many, including some who have demonstrated in Washington and have called our offices every day, and that is to just bring our troops home today; it is over; it is a precipitous withdrawal; let's get out of there and get out of there right now. The mistakes of the past have compounded the problems in the Middle East and Iraq to the point that we can't put Humpty Dumpty together. Not all the king's men or all the king's horses could ever put Humpty Dumpty together again, some people would say, because the problems in Iraq today are so severe.

I, as one Senator, reject plan B as well. I don't believe we can afford to move forward with that kind of precipitous withdrawal.

There is plan C, and plan C is really the plan of trying to move forward in a bipartisan way so that we can achieve success in Iraq—success, again, being defined by stability in Iraq and in the region and by bringing our troops home.

I know there are lots of people in this body who have much more experience than I, and I know there are lots of people who have studied this issue extensively over a very long period of time, and yet it is amazing to me that when we have a group of people in a bipartisan way coming forward with a new direction, we have the President and others of the minority party essentially rejecting that plan of going forward together in a new direction.

When I look at the Iraq study report and I look at names such as former Secretary of State James Baker, former Attorney General Ed Meese, former Secretary of State Lawrence Eagleburger, former U.S. Supreme Court Justice Sandra Day O'Connor, former U.S. Senator Alan Simpson, I see all of these Republicans who are saying we need a new direction going forward together. I believe that is what we ought to be doing, and I believe that new direction going forward together is what is embodied in the bipartisan resolution which was put together by Sen-

ator WARNER, Senator LEVIN, and others. It is that kind of new direction which we ought to be debating and discussing on the floor of the Senate today.

When one looks at this group of elder statesmen, which includes not only the Republicans whose names I mentioned, but they include esteemed elder statesmen who are also Democrats, such as Lee Hamilton, Vernon Jordan, Leon Panetta, William Perry, and Charles Robb, when we see those kinds of elder statesmen who have taken a year to try to figure out how we deal with this quagmire in Iraq, we have to say those recommendations should be paid very serious attention. The recommendations are many, but they are important because they show the depth of thinking that commission went through in coming up with those recommendations.

In essence, what that bipartisan group of elder statesmen said to the people of America is that the way forward requires a new approach. The way forward requires a new approach. They talk about the external approach, which is to build an international consensus on how we move forward in Iraq. They talk about a new diplomatic offensive which is important if we are to succeed because there are too many nations in that part of the world and around the world who have been sitting on their hands letting America do it alone. They have to stop sitting on their hands if ultimately we are going to achieve stability in the Middle East.

They talk about the Iraq International Support Group, and that kind of a group would be a group that would make sure the efforts on reconstruction and building the peace and security in Iraq are, in fact, successful. Where is that group? It hasn't been there. It has been the United States alone moving forward on this effort. We need to have the international community involved.

It talks about dealing with Iran and dealing with Syria. They are part of that region, like it or not. This group of elder statesmen has said we need to deal with those countries. We know the limitations. We know the threats they also embody and present to the United States of America, but we need to bring them into the dialog if ultimately we are going to bring stability to that region.

The study group goes on with a whole host of other recommendations on the internal approach, helping the Iraqis help themselves. It says that we must require the Iraqis to have performance on milestones, that we need to push them hard on national reconciliation, that we need to make sure the Iraqi Government takes responsibility for security and for their military forces, that they establish a functioning police force, and that they establish a criminal justice system that does, in fact, work. And the list goes on with 79 recommendations on the way forward, a new approach.

That is what we ought to be talking about, Mr. President, on the floor of the Senate today—how we move forward.

I look at this resolution which was put together by some of my esteemed colleagues, of which I am a proud original cosponsor, and I say at least we have tried on a bipartisan basis to figure out a roadmap for how we ought to move forward together as Democrats and Republicans, as Americans, on this issue, which is the defining issue of our times. I see the names of people such as Senator WARNER, I see Senator COLLINS, I see Senator LEVIN, I see Senator NELSON of Nebraska, and others who have been involved in this effort. What we are trying to do as a group is to say we ought to figure out a way of charting a new direction forward together, much like the elder statesmen did in coming up with the Iraq Study Group recommendations. Yet we are being refused the opportunity to even engage in a debate on a resolution that essentially says this is a direction we propose to the President in how we move forward together.

I hope that at the end of the day, with the discussions that are going on between the leadership, we are able to come to some agreement. I believe there is too much at stake. I believe there is too much at stake not only in the Middle East, but there is too much at stake for the United States of America and for the free world. At the end of the day, it is going to take Republicans and Democrats working together to try to chart this new and successful direction for how we move forward in Iraq.

Mr. President, I yield the floor.

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

Mr. DORGAN. Mr. President, my understanding is that I will be recognized for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that all time consumed in any quorum call today be equally divided.

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

Mr. DORGAN. Mr. President, my colleague, Senator FEINSTEIN of California, this weekend made a point that I think is very important. She, on a television program, said that Iraq is being debated virtually everywhere in our country: debated at kitchen tables, business places, workplaces, and schools. The only place in America that Iraq is not being debated is in the Senate. Here we are debating whether we should debate.

That was what went on yesterday, and it is what is going on today, a debate about whether the debate on Iraq should occur in the Senate. It is unbelievable. We have a cloture vote on a motion to proceed to the debate, and the minority party in the Senate voted nearly unanimously to say, no, we shouldn't be debating. I don't understand that at all, Mr. President.

Why would we not want to engage in this national discussion about what is happening in Iraq; what are our obligations, and what are our national interests with respect to these issues? This is not a war against terrorists in the main. It is sectarian violence that is occurring in Iraq. Yes, there are some terrorists in Iraq. I understand that, but it is largely sectarian violence, Shia on Sunni, Sunni on Shia.

Let me make a point about Iraq that I think is important. The dictator who used to exist in Iraq no longer exists. Yes, he was a madman and a dictator. We have unearthed mass graves in Iraq to show that nearly a half million people were murdered by the man who ran that country. But he has been executed, and the people of Iraq have had the opportunity to vote for a new constitution.

The people of Iraq have had the opportunity to vote for a new government. Things have changed in Iraq. We now have in Iraq what is largely a civil war, sectarian violence. Things have changed.

What is the role, then—given that Saddam Hussein has been executed, given that there is a new constitution, given that there is a new government—what is the role for the United States and its soldiers? Is the role to continue to be in the middle of a civil war in Iraq, to surge additional troops, as the President suggests? That is what was to be debated this week in the Senate. But at this point we still cannot debate that because we are debating whether we will be able to debate it. It is unbelievable to me. Only here on this small piece of real estate, one of the wonderful places on this Earth, the United States Senate, do we have a serious debate about whether we should debate.

We should have moved very quickly past this issue of a motion to proceed and been to the substance of this issue on behalf of this great country of ours. There is a majority in this Congress for a bipartisan resolution. And I emphasize bipartisan resolution. Senator WARNER, a very distinguished American, a Republican, and former chairman of the Armed Services Committee, and Senator LEVIN, a Democrat, the same. Warner-Levin. When we get to a vote on the Warner-Levin resolution, which disapproves of surging additional American troops to Iraq and deepening our involvement in Iraq, a majority of the Senate will support that resolution. There is a clear majority for that resolution. The question is, Can we get to that point?

I hope in the coming hours that the minority will relent and give us the opportunity, the opportunity the American people would expect to exist in the United States to debate one of the most important questions of our time. This is about obstruction and it is about political maneuvering and about protecting the White House. It is about a lot of things, unfortunately. It ought to be about this country's national interest, this country's best interest. It

ought to be about the soldiers we have asked to don America's uniforms and go fight for this country and what is best for them as well.

Two months ago, General Abizaid said this in open testimony in the Senate:

I met with every divisional commander. I said, in your professional opinion, if we were to bring in more American troops now—he is talking about Iraq—does it add considerably to our ability to achieve success in Iraq? And they all said no.

That is what the commanding general said 2 months ago in testimony before the Senate. Why did they all say no? Here is what General Abizaid said the reason is:

We want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do more. I believe more forces prevents the Iraqis from doing more and taking responsibility for their own future.

Finally, Mr. President, a week ago, the head of our intelligence services came to the Senate and testified in open public hearings. Here is what he said:

Al-Qaeda is a terrorist organization that poses the greatest threat to U.S. interests, including the homeland.

That is from the top intelligence chief of our country. Here is what he said:

Al-Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. They continue to maintain active connections and relationships radiating outward from their leaders' secure hideout in Pakistan.

Let me say that again. Our top intelligence person says that al-Qaida is the greatest terrorist threat to our country; that they direct their operations from a secure hideout in Pakistan.

Mr. President, a question: If al-Qaida is the greatest terrorist threat to America, and our intelligence chief says it is directed from their secure hideout in Pakistan, and we know that Osama bin Laden continues to talk to us in his missives that they send out; if we have 21,000 additional soldiers to surge anywhere, why on Earth would we not use those 21,000 soldiers to eliminate the greatest terrorist threat to our country, which would be to eliminate the leadership of al-Qaida?

No, that is not what the President recommends. He recommends we send 21,000 additional soldiers into the neighborhoods of Baghdad where sectarian violence is occurring in massive quantities and a civil war exists. With all due respect, and I do respect the President, he is wrong, and I believe the majority of this Senate would say he is wrong by voting for the Warner-Levin resolution.

In a Byzantine twist, however, on this Tuesday morning, we find ourselves debating the question of whether we should debate one of the central questions of our time.

That is unworthy of the Senate. What is worthy of this Senate, and I am proud to be a part of it what is worthy of us is to have on the floor of the

United States Senate the great questions before this country, the questions the American people ask this morning and discuss this morning all across this country: What is our role here? What is happening here? How have things changed in Iraq? What is the greatest threat to our country? How do we deal with that threat? What about Mr. Negroponte pointing out that the greatest terrorist threat is al-Qaida? What about the fact he says they are in a secure hideaway in Pakistan? What about the fact that no one has done anything about it? What about the fact that if 21,000 soldiers are available to be surged, that the President says let's send them to Baghdad, in the middle of a civil war in Iraq, rather than going to Pakistan after the leadership of the greatest terrorist threat to this country, according to our intelligence chief?

I simply do not understand this logic. There is a lot to be said about these issues. All of us in this Chamber want the same thing for our country. All of us love this country. All of us respect our soldiers and will do everything to make sure we support them. All of us want this country to do well and to make the right decisions. In the last 5 years, however, we have been involved in a war that has lasted longer than the Second World War. We have been in a war that has cost us far too many lives and too much of America's treasure. We have been put in a situation in which there has been dramatic change. Yet the policy has not changed. This is not the circumstance for which we went to war in Iraq. All of that intelligence, it turns out, was wrong.

Colonel Wilkerson, who served as Secretary of State Colin Powell's aide for 17 years and was present when the information was compiled that led to the presentation at the United Nations, testified before the Senate, and he said publicly that it was the perpetration of a hoax on the American people. That is not me speaking. That is someone who had a distinguished record and who served 17 years with Colin Powell. He was a Republican and proud of his service to this country, but he said all of the intelligence that was basketed together and presented was the perpetration of a hoax on the American people.

Whatever happened, happened. We went to Iraq. Saddam Hussein has now been executed. Iraq has a new constitution and a government. It is time, long past time for this country to say this to the country of Iraq: Saddam Hussein is gone. You have a new constitution. You have a new government. The question is this: Do you have the will to provide for your own security? Because if you don't, no one in the world can do it for you. Do you have the will to take your country back? This is your country, not ours. This country belongs to you, not us. Do you have the will to provide the security for a free Iraq? Because if you do not, I say to the people of Iraq, American soldiers cannot, for any indefinite period, provide order and

security in Iraq for you. You have to make that judgment, and you have to understand that it is your responsibility to provide security in Iraq.

This is not a circumstance where we are trying to embarrass anybody. We are not trying to say to the President: You have an awful situation you have created, shame on you. That is not what this debate is about. All of us understand that things have changed. This debate is about what do we do at this point. Do we agree with the President that we should send 21,000 more American troops into Baghdad and surge and deepen America's involvement in this war?

Quite clearly, if we are allowed to get to this debate and have a vote on Warner-Levin, a bipartisan resolution, this Senate will say, no, we believe it is the wrong thing, and that will be the first step in beginning to change policy. It will say to the President, we believe you must change the policy, and then use our energies and our efforts to go after the leadership of al-Qaida. They are the ones who murdered Americans on 9/11, and they still exist in secure hideaways, according to our intelligence chief. Let's deal with the greatest terrorist threat to this country, according to Mr. Negroponte, the head of American intelligence. The greatest threat to our country. They exist. They live today, he says, in Pakistan. Let's deal with those issues.

As I indicated earlier, all of us want the same thing for our country. This is not about politics. It cannot be about politics. It is about policy and what works for America's future, what strengthens our country, what keeps our promise to our soldiers, and what keeps our commitment to ourselves as one of the great symbols of freedom in the world. That is why I hope we will get past this issue that has now impaled this Senate, a debate about whether we should debate. The answer clearly ought to be, yes, we ought to get to the debate that is significant and important to the future of this great country of ours.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, for the last few weeks, a bipartisan group of Senators has worked to bring to the floor a resolution expressing opposition to the President's proposal to increase American troops in Iraq. In an effort to have an honest, thoughtful, and productive debate, they put aside their differences, only to be run over by partisan politics. I support the bipartisan resolution opposing the escalation. I

support an honest and open debate on a policy that clearly needs to change. But I do not support what I saw take place in this Chamber yesterday.

Our soldiers and their families have sacrificed too much to accept the political obstructionism that is keeping this body from having a debate on a most critical issue. Our troops have given so much, and they deserve much more than what they got from the U.S. Senate yesterday. The least we can do is to have this debate, and the best we can do is to get this policy right for our troops.

I would like to thank those who worked on this resolution: Senators LEVIN and WARNER and Senators BIDEN and HAGEL and others. Throughout their careers, they have shown how much they care for the men and women in uniform. In crafting these resolutions, they showed us that when principled individuals from opposing parties care strongly about an issue, politics doesn't always have to win out.

Unfortunately, some in this body still don't want to have a debate about Iraq. It is long past time to have this debate. The American people have called for it, our troops have earned it, and we should be big enough to have it.

Over 3,000 American soldiers are dead, more than 20,000 have been wounded in combat, over 2,000 have lost their limbs, and more than \$350 billion of taxpayer money has gone to Iraq. Scores of Iraqis are killed every day in what has essentially devolved into a civil war.

All across my State, I have heard a strong and clear message from Minnesotans: Change the course in Iraq and push for the strategy and solutions that will bring our troops home. We need a surge in diplomacy, Mr. President, not a surge in troops. It is a message that was echoed all across this country from Montana to Minnesota, from Pennsylvania to Virginia. Unfortunately, there were those in this Chamber yesterday who did not listen to that message, who would prefer no debate. This bipartisan resolution expresses the strong opposition of this body to the President's decision to stay the course and send an additional 21,000 American troops to Iraq. I strongly support this bipartisan resolution and implore my colleagues to allow this resolution its due course.

The people of Minnesota, like their fellow citizens around the country, recognize what is at stake in Iraq. Of the 22,000 troops involved in the surge, nearly 3,000 are from Minnesota. As I have traveled throughout our State, I have spoken with many families who have paid a personal price in this war, and I think of them often.

I think of Claremont Anderson from Hoffman, MN, who would drive hundreds of miles to attend public events in the last 2 years. I just saw him and his wife Nancy this weekend; they braved 7-degree below-zero wind chills to come to an event in Glenwood, MN. When I see Claremont, any time any-

one even talks about the war, he starts to cry. That is because his son Stuart, an Army Reserve major, was killed in a helicopter crash in Iraq.

I think of Kathleen Wosika from St. Paul, MN. Just last month, her son, James Wosika, Jr., was killed while he was patrolling on foot in an area near Fallujah. He was a sergeant with the Army National Guard 1st Brigade, whose current duty will be extended under the President's escalation. Sergeant Wosika was the third member of his unit to die within a 6-month period. He was the seventh member of the brigade to be killed since their deployment last spring.

I also think of Becky Lourey of Kerrick, MN. That is near Duluth. She is a mother of 12 and a former State senator. Her son Matt was killed when the Army helicopter he was piloting went down north of Baghdad. I watched this Gold Star mother, a woman who has adopted eight children, comfort her grandchildren, hold her shaking husband, and stand tall for hours in a high school gym in Finlayson, MN, where hundreds of people came to gather for her son's memorial service.

Claremont Anderson, Kathleen Wosika, and Becky Lourey are parents whose children made the ultimate sacrifice in service to their country, and they are among the many Minnesotans who told me without apology they want to see a change of course in Iraq. They pray others will not have to experience their pain.

Although I opposed this war from the beginning, I recognized that many did support it. But 4 years later, we are now dealing with a dramatically different situation. What we know now about the events and facts leading up to this war has changed dramatically. The conditions inside Iraq have changed dramatically. Our role there has changed dramatically.

Last November, citizens in Minnesota and across the country voted for a new direction in Washington. Americans made clear at the ballot box they were tired of the politics-as-usual partisan bickering and that they wanted a meaningful and bipartisan change of course in Iraq. To the country's bewilderment, the President responded with a plan to escalate the number of American troops in Iraq. That is not the change in course the American people voted for. It is not the change in course the Iraq Study Group recommended. It is not the change in course Iraq needs to halt its civil war. It is not the change in course our military forces deserve.

Distinguished Senators from both sides of the aisle are seeking ways for this body to bring about the right kind of change. The bipartisan resolution proposes a strategy that recognizes the facts on the ground in Iraq. It incorporates many of the recommendations of the Iraq Study Group.

For years, we have heard from administration officials, from military

officials, and from the Iraqis themselves that there can be no military solution in Iraq. Stability can only be achieved through diplomatic and political solutions. This resolution calls on the administration to engage other nations in the region to create conditions for the compromises between Iraqi Shites, Sunnis, and Kurds that will be necessary for peace. Furthermore, the resolution calls on the administration to apply pressures on the Iraqis themselves to stand up and take responsibility for their country. By following the recommendations of this resolution, the President would send a much stronger signal to the Iraqis that we are not going to be staying there indefinitely.

As of last Thanksgiving, this war has now lasted longer than World War II, and after nearly 4 years of intensive military involvement in Iraq, including more than 3,000 American deaths, we have to be focused on reducing our troop presence in Iraq instead of putting even more American service men and women in harm's way. Haven't we asked our men and women to sacrifice enough?

Recently, at the funeral for a fallen soldier, I heard a local priest say that our leaders have an obligation to do right by our children when we send them to war. He said that our children may be over 6 feet tall when we send them to war, but they are still our children. "If the kids we are sending to Iraq are 6 feet tall," he said, "then our leaders must be 8 feet tall." I would add that if these soldiers are willing to stand up and risk their lives for our country, then those of us in the Congress must be brave enough to stand up and ask the tough questions and push for the tough solutions.

Claremont Anderson, Kathleen Wosika, and Becky Lourey are standing tall. The parents I met with this weekend whose kids are supposed to be coming home this month but are now staying much longer, they are now doing everything to be brave and stand tall. The 400 members of the Air Minnesota National Guard whose deployment ceremony I attended Sunday, in Duluth, MN, they are standing tall. The teenage brother and sister who will see not only their dad but also their mom be deployed in the next 2 weeks, those two kids are standing tall. My friend Senator WEBB, who will speak with us momentarily and whose son is serving bravely, he is over there and he is not afraid. He is standing tall. The injured soldiers in the VA hospital in Minnesota recovering from traumatic brain injuries and in their wheelchairs with their strength and their spirit, they too are standing tall.

I would say to my friends across the aisle, by having an honest and open debate on this war and on this resolution, we in Congress can also and finally stand tall.

Our Constitution says that Congress should be a responsible check and balance on Presidential power. Congress-

sional oversight for Iraq policy is long overdue. We have seen this bipartisan resolution and bipartisan work challenging the President's proposal for an escalation of American troop levels in Iraq. Even as Commander In Chief, our President does not enjoy unlimited power. On behalf of the public, Members of this body have a responsibility to exercise our own constitutional power in a fairminded, bipartisan way, to insist on accountability, and to demand a change of course. Ultimately, the best way to help our soldiers and their families is not only to give them the respect they deserve but also to get this policy right.

I hope that my friends across the aisle will see the merits of this resolution and the urgency of having an open and honest debate on this issue; our troops and their families deserve nothing less.

I thank the Chair.

Mr. President, I yield the floor.

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

Mr. WEBB. Mr. President, I thank my good friend, the Senator from Minnesota, for her kind remarks about the people who have served.

I emphasize my support for the resolution—actually, the resolutions—that were so painstakingly put together by a number of senior Senators from both sides of the aisle, only to be denied a full debate and an open vote through the procedural motions yesterday evening.

Winston Churchill once wrote about watching good ideas getting nibbled to death by ducks. Last night, we saw this phenomenon in action. We had before the Senate a measure that would allow this Congress to speak clearly of concerns regarding the woeful lack of leadership by the President on an issue that affects our Nation and our military people such as no other. And the other side—including some Senators who had helped to draft the resolutions and had their names on it—punted the ball down field rather than giving the people of this country the debate they not only need but are calling for in every opinion poll.

Quite simply, there is no way, other than through a strong resolution or restrictive language in an appropriations bill, for this Senate to communicate to this administration that its so-called new strategy is lacking in the most crucial elements that might actually lead to a solution in Iraq. This is not a strategy. It is a one-dimensional tactical adjustment that avoids the elements of a true overarching national strategy. It relies too heavily on our military, while ignoring the overwhelming advice of those with long experience in this region that we must pursue robust diplomacy in order to bring this misguided effort to a conclusion.

There have been allegations by those on the other side that we who take this position are not supporting the troops. I submit that the best way to support

the troops would be for this administration to outline and pursue a comprehensive strategy that includes the diplomatic measures that will be essential to ending our involvement.

Mr. President, a reminder: During the Vietnam war our military killed more than a million enemy soldiers—enemy soldiers—by official count of the present Hanoi Government. Actually, that count is 1.4 million enemy soldiers. But without a clear strategy and without adept diplomacy, that simply was not enough. From the very beginning in Iraq, this administration has consciously neglected its proper diplomatic duties. It has attempted to frame the debate over Iraq's future as one of military action on the one hand and a set of vague guidelines to the Iraqi Government on the other, as if the rest of the region were somehow not crucial to the eventual outcome. This, in and of itself, is a recipe for continued violence and for American failure in Iraq.

It is widely known that the Iraqi Government lacks the power to control the myriad of factions that are causing chaos. The latest National Intelligence Estimate not only confirms this, it indicates that these factions have been broken into so many different components that it is not even fair to call this problem one of sectarian violence any longer. The administration knows this. Most of the administration's strongest supporters know this. Their reaction has been to increase the pressure on an impotent government and to go to the well, again and again, asking for even greater sacrifices from the military, while ignoring their most basic responsibility, which is to put together a clear diplomatic effort that will bring full context to the issues that face us and, in short order, end our involvement. This is not supporting the troops. This is misusing the troops.

With respect to the troops, I would caution any political leader who claims to speak on behalf of the political views of our men and women in uniform. Our military people are largely a mirror of our society, particularly in the enlisted ranks, and their political views are as diverse as our own.

As one example, last year, a survey of those in Iraq indicated that more than 70 percent believed that the United States should exit Iraq within a year. That was a year ago. As I have said before, it is inverted logic to claim we should continue to fight this war on behalf of the troops. The fact is, they are fighting this war on behalf of the political process. They deserve political leadership that is knowledgeable and that proceeds from an assumption that our national goals are equal to the sacrifices we are asking them to make.

For the last 5 years, from before this invasion, this administration and its supporters have refused to admit the most fundamental truth of the entire war. It is a truth that was echoed over and over again last month by expert

witnesses during more than a dozen hearings before the Foreign Relations Committee and the Committee on Armed Services, both of which I am privileged to serve upon. It is a truth that this administration and the architects of this war too often refuse to recognize, perhaps because they fear it might potentially embarrass them in the eyes of history.

The unavoidable truth is that this war will never be brought to a proper conclusion without the active participation of the other countries in the region—all of them.

We hear stories of the Saudis helping the Sunni insurgency. We are told by this administration Iran is equipping and training portions of the Shia militias. We hear Turkey and Iran are quietly cooperating to limit the influence of Kurds. We hear Syria is the favorite starting point for many al-Qaida guerillas who infiltrate into Al Anbar Province. We know the entire region is being flooded with refugees from the violence in Iraq, including, especially, Jordan and Syria.

None of this is surprising. Indeed, all of it was predictable and predicted, even before the invasion of Iraq. I recall many of the speeches by the Presiding Officer on those points. What is truly surprising and unsettling is that this administration has not developed an overt diplomatic effort to bring order out of this chaos in a way that might allow us to dramatically decrease our presence in Iraq and, at the same time, increase the stability of the region, increase our ability to fight terrorism, and allow us to address strategic challenges elsewhere in the world.

These countries have historic, political, and cultural ties to Iraq. They are going to be involved in Iraq's affairs in the future, long after the United States departs the region. It is in our national interests and, as a great nation, it is our obligation to take the lead in causing each of these countries to deal responsibly with Iraq's chaos and with its future. We did exactly this in 2001, after the invasion of Afghanistan, bringing the major players to the table, including India, Pakistan, and Iran, and we should do so now.

This approach would have additional benefits beyond Iraq. It would begin to loosen the unnatural alliance between Iran and Syria which could, in turn, increase the potential for greater stability in Lebanon, Israel, and the surrounding territories. It would begin to bring countries such as Iran to a proper role of responsibility inside the international community.

On this point, I cite an important historical reference. In 1971, China, similar to Iran today, was considered a rogue Nation. China, in those days, was already a nuclear power. It had an American war on its borders in Vietnam, a war it was actively assisting. We, the United States, took the initiative, aggressively opening China through diplomatic energy and, over

time, helped to bring China into the international community. We should not be afraid of taking similar actions with Iran and also, by the way, with Syria.

The bottom line of all this is this administration and its supporters must understand the realities that are causing us as a Congress to finally say "enough is enough;" that the time has come for a new approach; that the answer in Iraq and to our fight against international terrorism and to our diminished posture around the world is for us to show not only our prowess on the battlefield but also our leadership in the diplomatic arena; that, indeed, we have an obligation to the men and women who have served so selflessly on our behalf, to match their proficiency and their loyalties with the kind of thoughtful leadership that will bring this effort to a proper conclusion.

If there were other ways to convince this administration to change its ineffective one-dimensional approach to the situation in Iraq, I would welcome them, but after 5 years of political disarray, I do not believe it is so. I support this resolution as a first step in reclaiming America's strategic purpose and international reputation. I urge my fellow Senators to do the same.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I came to the Senate to talk about the loss of a great soldier and dear friend of mine, but before I do that, I will comment on a few things we have heard discussed this morning.

First, our efforts on this side are to get an opportunity to debate and vote on the Gregg amendment. The Gregg amendment, very simply stated—I don't have the full text in front of me—supports our troops. It says we should support our troops and not cut off funding. That is a valid viewpoint. We are at war. Traditionally, this Senate has supported our troops. That used to be the absolute baseline which everyone accepted. The main resolution that has been referred to, I fear, goes in the wrong direction.

We, in time of war, ought to debate, and we will debate fully, and everyone will have an opportunity to express their views—but I think it is very important we not only have an opportunity to vote on the two resolutions which have been discussed but also to vote on the Gregg amendment. As soon as we can get agreement to do that, I am confident the leaders can move forward.

I have also heard in the Senate a number of comments from Members who do not support a cut-and-run policy. I have addressed previously the disaster of an immediate withdrawal from Iraq. In open testimony, the intelligence community—the Director of National Intelligence—the Director of CIA, the Director of Military Intelligence, said chaos would reign in Iraq if we withdrew precipitously. It would

fall into chaos. The primary beneficiary of that chaos would be al-Qaida. Osama bin Laden and Al-Jazeera have said how important it was for them to establish Iraq as their main base of operations.

Second, there would be chaos and slaughter of innocent civilians, both Shia and Sunni. There would be a tremendous increase in the deaths of civilians. But even more frightening, the neighboring states would likely be brought in. The Sunni states would likely come to the aid of their Sunni brethren, and if that had not already triggered the entrance of Iran into it on behalf of the Shia, it surely would, and we could potentially be facing a major Middle East conflict with many states involved.

I have heard it said that the Levin-Warner resolution asks we chart a new direction. We have charted a new direction. And the way forward is a new direction. The President has the agreement of Prime Minister al-Maliki and the Shia, Sunni, and Kurdish government of Iraq that they will take control and they will assume responsibility. They need help in training particularly their police, but they will take control. That is where we need to be.

We can help pick off the al-Qaida and the other committed international terrorists, the radical Islamists. But we need them to resolve this civil strife between Shia and Sunni, and do so in a fair way, including the Kurds and the Sunnis.

This happens to be the military plan the Baker-Hamilton group supported. They said to enable the Iraqi security, military, and police to take over, we should send in some troops temporarily. That is what the President is doing, adding another 21,000 to support them.

Is this going to work? Well, again, with the release of the National Intelligence Estimate on Iraq and the open testimony of the leaders of the intelligence community, they said it is an open question. It is a tough decision. But it is the best option we have.

Yes, they think there is a chance it will work. And the Iraqi Government knows this is their last best chance. They had best make it work. And they best get their police trained and their military trained.

Many people have called for bringing in other nations in the Middle East. That is what the President and Secretary Rice have done, to bring in other nations that will help rebuild the Sunni areas and help provide support to the Iraqis.

There are some people who say we should not have an unlimited commitment. Well, the President has told not only this Nation but Prime Minister al-Maliki there is a time deadline. We are committed to them but not indefinitely. And if they do not take advantage of this opportunity, it will be their country which will fall into chaos

and be the battleground, perhaps embroiling the entire region, but certainly wiping out and causing great death and destruction in their own country. So we do have a new direction.

Now, some are pushing a resolution that challenges the President's implementation of the plan. We are trying to be generals and say General Petraeus—whom we just confirmed unanimously because he is such a great general, who said we should have those 21,000 troops—they are challenging his military judgment in the implementation of the plan.

I know many of my colleagues have followed military policy for many years, but I do not think we in this body can determine for the generals what the proper level of troop commitments is. They are the ones who take responsibility for the lives of their men and women. To send a message by adopting a resolution that says we oppose the President's plan, implementation of his plan, is not going to change sending more American troops there.

But it will tell al-Qaida: Good news, boys, the Congress is opposing the President. Our chances look better to take over the country.

And it will send a message to friendly countries that are trying to help the Iraqis telling them: Sorry guys, we are not interested in winning this, so you probably would not want to waste your effort helping us.

Finally, what does it send as a message to our troops: We do not support the military plan they are being asked to carry out, the men and women who are risking their lives? Does that make any sense? I fear not.

I hope we can reject very soundly the Levin-Warner amendment and adopt the Gregg amendment and also the McCain amendment.

#### REMEMBERING LIEUTENANT GENERAL CHARLES M. KIEFNER

Mr. BOND. Now, Mr. President, let me turn to another matter, a matter of sorrow. I tell this body that at a wonderful military ceremony last Saturday, we laid to rest LTG Charles M. Kiefner, formerly Adjutant General of the Missouri National Guard—a man who I considered a friend for almost 40 years, a man whose career was an amazing one.

I called on him to serve as my Adjutant General for the 8 years I served as Governor. Having come from the Guard, he was the youngest Adjutant General at the time, still by far the youngest Adjutant General in Missouri. But he knew the citizen soldiers who made up the Guard. He knew those citizen soldiers and respected them, and they respected him.

When I left office and Governor Ashcroft took over, he made him his Adjutant General for the next 8 years. He served 16 years. In that time, he not only built the Missouri National Guard to be one of the finest units—Air and

Army National Guard—in America, but he was very strong in establishing a Guard presence on Capitol Hill.

It was at his urging that I went to my colleague, Wendell Ford of Kentucky, and we set up the National Guard Caucus, on which today Senator PAT LEAHY and I proudly serve as co-chairmen. That caucus has brought together 75 to 80 Members of this body to stand up for the necessary resources, the necessary personnel, and the necessary support of the Guard when active forces in the Pentagon tend to overlook them.

The Guard is a better place today because of the leadership that General Kiefner showed as he headed the National Guard, the Adjutants General Association, as he worked with his colleagues throughout the country, and as he and those generals worked to make sure the Guard was strengthened.

The Guard remembers him with great fondness. Lieutenant General Vaughn of Missouri, who had served in the Guard under General Kiefner, presented the flag to his wonderful wife Marilyn, his sons John and Keith.

Charles M. Kiefner was born June 28, 1930, in Cape Girardeau, MO. He graduated from high school in 1948 and attended Westminster College in Fulton. He earned his bachelor of arts degree from Columbia College in 1975.

General M. Kiefner, or Charlie to his friends—and I am lucky to have counted myself as one of his many—was a great man and a great American patriot. Under his strong leadership, including as the youngest Adjutant General, the men and women in the Missouri National Guard came to exemplify the best this country has to offer.

Having begun his military career by enlisting as a private in Company F, 140th Infantry Regiment of the Missouri Army National Guard on September 24, 1947, General Kiefner entered active duty on September 11, 1950, with the 175th Military Police Battalion of Missouri Army National Guard and served in Germany with that unit. He was commissioned a second lieutenant, Infantry on December 21, 1951. He served as platoon leader, company commander, battalion motor officer, Battalion S-2, brigade adjutant and S-3, executive officer and logistics officer on the staff of the Adjutant General. As a member of the U.S. Army Reserve, from September 11, 1978, to November 5, 1980, he served as liaison officer to the U.S. Military Academy, West Point.

General Kiefner was first appointed Adjutant General by me on May 8, 1973, when I served as Missouri's Governor, and held the Adjutant General's position until March 1977, when I left the Governor's office. Upon my reelection in 1981, I once again called on this great leader and appointed General Kiefner to lead the Missouri National Guard. General Kiefner served as Adjutant General throughout my two terms as Missouri Governor. As a testament to his skill and great leadership, he

was later called upon by Governor John Ashcroft to serve 8 more years in the Ashcroft administration.

General Kiefner not only served Missouri admirably, he also served his nation with honor. A friend who knew him for 35 years during his service in the Guard recalls:

He was a professional soldier who made a point to know what was going on at every level of the Guard, from the enlisted soldiers to the three star Generals. He knew precisely what the threat to our homeland was and made great efforts to ensure the Guard was prepared to protect us from those threats.

Members of the Army National Guard knew and respected General Kiefner and called upon him to serve as president of the National Guard Association of the United States, a position he held proudly and worked diligently to enhance our Nation's modern-day minutemen's and women's ability to meet their dual-mission at home and abroad.

Upon his retirement from the National Guard in 1993, Major General Kiefner was promoted to the grade of lieutenant general, Missouri National Guard Retired List by Governor Mel Carnahan. "At his own retirement he could not speak because he knew the overwhelming emotion he would feel at leaving the service he loved so dearly would overcome him," said one friend and colleague. "He was an emotional man that was totally committed to his country, Missourians, and the men under his command."

His many decorations and awards include: the Distinguished Service Medal, Legion of Merit with Oak Leaf Cluster, Meritorious Service Medal, Army Commendation Medal, Air Force Commendation Medal, Good Conduct Medal, Army Reserve Components Achievement Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Department of Defense Identification Badge, Ranger Tab, NGB Distinguished Service Medal, NGAUS Distinguished Service Medal, Missouri Meritorious Service Medal, Missouri Conspicuous Service Medal, Indiana Distinguished Service Medal, Minnesota Distinguished Service Medal, Tennessee Distinguished Service Medal, Minnesota Medal for Merit, 1992 Distinguished Alumni Award—Westminster College, Field Artillery Association Order of Saint Barbara, Army Engineers Association Silver Order of the de Fleury Medal, and the Sons of the American Revolution Silver Good Citizenship Award.

Charlie understood the great citizen soldiers who signed up for the Guard. When he gave them an order they knew he understood them and they were willing to follow.

I have lost a great friend, not just a former Adjutant General. There have been many fine individuals who have worn the uniform of our Nation's Army National Guard, but none more proudly than LTG Charles M. Kiefner.

Mr. President, I yield the floor and suggest the absence of a quorum.



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

The assistant legislative clerk proceeded to call the roll.

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

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

### RECESS

Mr. BOND. Mr. President, I ask unanimous consent that under the previous order the Senate stand in recess until the appointed hour.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senate will stand in recess until the appointed hour.

There being no objection, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MURRAY).

The PRESIDING OFFICER. The Senator from California is recognized.

### ORDER OF PROCEDURE

Mrs. BOXER. Madam President, I ask unanimous consent that during the time controlled by the Democrats this afternoon, the following be recognized to speak for up to 10 minutes each, except where noted, and that each side alternate when appropriate: BOXER, MURRAY, DODD, 15 minutes; KERRY, 15 minutes; NELSON of Florida, REED, HARKIN, and WHITEHOUSE.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

### HONORING OUR ARMED FORCES

#### CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, today I rise to pay tribute to 37 young Americans who have been killed in Iraq since November 17, 2006. This brings to 677 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 22 percent of all U.S. deaths in Iraq.

SFC Tung M. Nguyen, 38, died on November 14, in Baghdad, Iraq, of injuries sustained from small arms fire. Sergeant First Class Nguyen was assigned to B Company, 2nd Battalion, 3rd Special Forces Group, Fort Bragg, NC. He was from Tracy, CA.

LCpl Jeromy D. West, 20, died November 25, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal West was assigned to the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from Aguanga, CA.

Cpl Dustin J. Libby, 22, died December 6, while conducting combat operations in Al Anbar province, Iraq. Corporal Libby was assigned to the 2nd Battalion, 4th Marine Regiment, 1st

Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Micah S. Gifford, 27, died of injuries suffered when an improvised explosive device detonated near his unit while on patrol during combat operations in Baghdad, Iraq, on December 7. Specialist Gifford was assigned to the 3rd Battalion, 509th Infantry Regiment, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Redding, CA.

MAJ Megan M. McClung, 34, died December 6, while supporting combat operations in Al Anbar province, Iraq. Major McClung was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Nicholas P. Steinbacher, 22, died on December 10, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Steinbacher was assigned to B Company, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from La Crescenta, CA.

LCpl Clinton J. Miller, 23, died December 11, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Miller was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

Cpl Matthew V. Dillon, 25, died December 11, while conducting combat operations in Al Anbar province, Iraq. Corporal Dillon was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

LCpl Budd M. Cote, 21, died December 11, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Cote was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

MSgt Brian P. McNulty, 39, died December 11, when the CH-53 helicopter he was riding in crashed just after takeoff in Al Anbar province, Iraq. Master Sergeant McNulty was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

CPT Kevin M. Kryst, 27, died December 18, from wounds received while conducting combat operations in Al Anbar province, Iraq. Captain Kryst was assigned to Marine Light-Attack Helicopter Squadron 267, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Nicklas J. Palmer, 19, died December 16, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Palmer was assigned to

the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Luke C. Yepsen, 20, died December 14, due to injuries suffered from enemy action in Al Anbar Province, Iraq. Lance Corporal Yepsen was assigned to the 1st Tank Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Joshua D. Pickard, 20, died December 19, while conducting combat operations in Al Anbar province, Iraq. Corporal Pickard was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. He was from Merced, CA.

LCpl Ryan L. Mayhan, 25, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Mayhan was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Hawthorne, CA.

LCpl Ryan J. Burgess, 21, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Burgess was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Hospitalman Kyle A. Nolen, 21, died December 21, in Al Anbar Province, Iraq, as a result of enemy action. Hospitalman Nolen was assigned to H Company, 3rd Battalion, 4th Marine Division, Regimental Combat Team 7, I Marine Expeditionary Force Forward, Twentynine Palms, CA.

LCpl Fernando S. Tamayo, 19, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Tamayo was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Fontana, CA.

SPC Elias Elias, 27, died December 23, in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle while on patrol. Specialist Elias was assigned to the 3rd Squadron, 61st Cavalry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Glendora, CA.

SPC Michael J. Crutchfield, 21, died December 23, in Balad, Iraq, of a non-combat related injury. Specialist Crutchfield was assigned to the 3rd Battalion, 4th Air Defense Artillery Regiment, Fort Bragg, NC. He was from Stockton, CA.

SGT Lawrence J. Carter, 25, died December 29, in Baghdad, Iraq, of wounds sustained when an improvised explosive device detonated near his vehicle during combat operations. Sergeant Carter was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, Schweinfurt, Germany. He was from Rancho Cucamonga, CA.

SPC Luis G. Ayala, 21, died December 28, in Taji, Iraq, of wounds suffered

when an improvised explosive device detonated near his unit while on combat patrol. Specialist Ayala was assigned to the 2nd Squadron, 8th Cavalry Regiment, 1st Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from South Gate, CA.

Sgt Aron C. Blum, 22, died December 28, at the Naval Medical Center in San Diego, California, of a nonhostile cause after being evacuated from Al Anbar province, Iraq, on December 8. Sergeant Blum was assigned to Marine Aerial Refueler Transport Squadron 352, Marine Aircraft Group 11, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

PFC Ming Sun, 20, died January 9, in Ar Ramadi, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire during combat patrol operations. Private First Class Sun was assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Cathedral City, CA.

2LT Mark J. Daily, 23, died on January 15, in Mosul, Iraq, when an improvised explosive device detonated near his military vehicle. Lieutenant Daily was assigned to the 2nd Battalion, 7th Cavalry Regiment, 1st Cavalry Division, Fort Bliss, TX. He was from Irvine, CA.

CAPT Brian S. Freeman, 31, died January 20, in Karbala, Iraq, of wounds suffered when his meeting area came under attack by mortar and small arms fire. Captain Freeman was assigned to the 412th Civil Affairs Battalion, Whitehall, OH. He was from Temecula, CA.

SPC Jeffrey D. Bisson, 22, died January 20, in Karma, Iraq, of wounds sustained when an improvised explosive device detonated near his Humvee. Specialist Bisson was assigned to the 3rd Battalion, 509th Infantry, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Vista, CA.

LCpl Andrew G. Matus, 19, died January 21, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Matus was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Emilian D. Sanchez, 20, died January 21, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Sanchez was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Jamie D. Wilson, 34, died January 22, in Fallujah, Iraq, from wounds suffered while conducting security operations in Karmah, Iraq. Staff Sergeant Wilson was assigned to the 3rd

Battalion, 509th Infantry Regiment, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from San Diego, CA.

PFC Michael C. Balsley, 23, died on January 25, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Private First Class Balsley was assigned to the 3rd Squadron, 61st Cavalry Regiment, 2nd Infantry Division, Fort Carson, CO. He was from Hayward, CA.

LCpl Anthony C. Melia, 20, died January 27, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Melia was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Thousand Oaks, CA.

SPC Carla J. Stewart, 37, died January 28, in Tallil, Iraq, of injuries suffered when her convoy vehicle rolled over. Specialist Stewart was assigned to the 250th Transportation Company, El Monte, CA. She was from Sun Valley, CA.

CWO 3 Cornell C. Chao, 36, died on January 28, in Najaf, Iraq, of injuries sustained when his helicopter crashed. Chief Warrant Officer Three Chao was assigned to the 4th Battalion, 227th Aviation Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Orange, CA.

PFC David T. Toomalatai, 19, died on January 27, in Taji, Iraq, when an improvised explosive device detonated near his military vehicle. Private First Class Toomalatai was assigned to Headquarters and Headquarters Company, 2nd Battalion, 8th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Long Beach, CA.

LCpl Adam Q. Emul, 19, died January 29, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Emul was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT William M. Sigua, 21, died on January 31, in Bayji, Iraq, when his dismounted patrol received small arms fire. Sergeant Sigua was assigned to C Company, 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Los Altos, CA.

I would also like to pay tribute to the soldier from California who has died while serving our country in Operation Enduring Freedom since November 17.

SPC Jeffrey G. Roberson, 22, died on November 28 in Logar, Afghanistan, from injuries sustained when an improvised explosive device detonated near his patrol. Specialist Roberson was assigned to the 230th Military Police Company, Kaiserslautern, Germany. He was from Phelan, CA.

#### IRAQ ESCALATION

When General William Sherman said "war is hell," he certainly knew what

he was talking about. After nearly 4 years in Iraq, I know of no one today who would argue with that statement. As Members of Congress, we have an awesome responsibility to decide whether to send America's sons and daughters into war. I voted against the resolution authorizing the President to go to war in Iraq because I didn't believe we should have been rushing to say to the President: Go it alone, you have a blank check.

This is what I said at the time, October 10, 2002, which is just before this Senate voted to give the President authority to go to war:

I never have seen a situation where the President of the United States asked for the ability to go to war alone and yet has not told the American people what that would mean. How many troops would be involved? How many casualties would there be? Would the U.S. have to foot the entire cost of using force against Iraq? If not, which nations are ready to provide financial support? Troop support? What will the cost be to rebuild Iraq? How long would our troops have to stay there? What if our troops become a target for terrorists?

Obviously, I didn't know the answers to those questions that weighed on my heart that day, but today I know that there are more than 138,000 troops serving in Iraq, with a big escalation to come, an escalation that the Republicans would not allow us to vote on. I know that 3,098 soldiers have been killed and more than 23,000 have been wounded. I know we have spent \$379 billion and that doesn't include the President's latest request. And I know, as we all do, that our troops are targets for terrorism and that 61 percent of Iraqis think it is OK to shoot an American soldier. How can this President send more of our troops into a country he says he is trying to help when 61 percent of the Iraqi people say it is OK to shoot and kill an American soldier, and 71 percent of Iraqis want us out of Iraq within a year? We now have answers to the questions I raised that bleak day—terrible answers. Yet my Republican colleagues wouldn't allow us to vote on a resolution opposing an escalation of this war, an escalation of over 40,000 troops, when you consider the support troops.

We know that a majority of Senators oppose this escalation. We know the majority of the American people oppose this escalation. Yet we can't vote on it. Many of us have gone further. We have proposed resolutions and bills to start redeploying our troops out of Iraq. We have called on the Iraqis—a majority of us last year—to shoulder the burden of defending their own country.

It seems like yesterday when we passed the 1,000 dead mark and then 1,500 dead mark and then the 2,000 dead mark and then the 2,500 dead mark. Now it is more than 3,000 dead. I remember when we hit the 2,500 dead mark last June. A reporter at the White House press briefing asked Mr. Bush's press secretary, Tony Snow, if the President had any reaction. Mr.

Snow said: "It's a number, and every time there's one of those 500 benchmarks, people want something."

What does that even mean? He calls 500 American dead benchmarks? That was a low point even for this administration that keeps on saying, if you don't support the war, you don't support the troops. That is hogwash. How do you support the troops when you send them into the middle of a civil war where they don't even know who is shooting at them? How do you support the troops? Three thousand ninety-eight soldiers dead is not just a number; those are people. That is 3,098 families who are forever changed. To put more of them in harm's way, to escalate our involvement does not say to me we love them. It says to me we have not thought this through. We are not listening or this administration is not listening to the Iraq Study Group. It is not listening to the military generals who came before us to say this is wrong. It is not listening to the American people.

Again and again this White House closes its eyes on the reality of this war. I know they don't want to see the tragic truth. But if you are going to make a decision to send our soldiers to war, you better be able to look at the consequences of that decision. They would not even let us vote on this escalation. The White House doesn't want that vote. They don't want to be second-guessed. They don't want to be embarrassed. They don't want to hear what this Democratic Congress has to say. And guess what. Elections have consequences—how many times has the President told us that—and this election had consequences. It means we have to take off the rose-colored glasses.

Let's look at the events of Sunday, January 28, in Iraq, as told by two Los Angeles Times reporters, Louise Rough and Borzou Daragahi. That Sunday in America happened to be my wedding anniversary, a day of rest for many, a day of relaxation, a day for religion, a day for football, a day for basketball, a day for movies, a day for fun, a day for family; in Iraq, a day of hell.

The headline of the LA Times, the following Monday, reads: "Hundreds Die in Clash near Iraq Holy City." Here is the article. I don't know if this can be seen on the television, but it is a beautiful young girl, an Iraqi teenage girl. It could be your daughter; it could be mine. She is leaving school. She is stepping down steps that are bloodied by the blood of her schoolmates. She is barely looking around, and no one is helping her. This is a sight that is too often the reality in Iraq. The child has seen what no child should ever see, what we would do anything in the world to stop our children from seeing. And she appears numb.

The reporters write about fighting erupting near holy city of Najaf on the Shiite holiday of Ashura. There were conflicting reports as to whether the fighters causing the trouble were Shi-

ite or Sunni militia, but we know that our soldiers, working with Iraqis, killed several hundred gunmen in a fierce fight and a helicopter went down, our helicopter, and we lost our people.

The reporters point out that our forces are fighting "a complex patchwork of elusive enemies," and the deaths outside of Najaf would constitute the highest daily casualty toll inflicted by U.S. and Iraqi forces since U.S. troops arrived in Baghdad shortly after the March 2003 invasion.

This group we wound up fighting, because the Iraqi soldiers couldn't handle it and they called us in, call themselves Heaven's Army, a messianic cult who believes in the imminent return of Imam Mahdi, the last in the line of Shiite saints who disappeared more than 1,000 years ago.

Nomas, who is a spokesperson for the Iraqis, went on to lament to the reporters that many Shiites believe the end days are coming, due to all of the violence. This is what he said:

There's nothing bizarre in Iraq anymore. We've seen the most incredible things.

People think the end is near, and that is what this President is sending more troops into.

Our troops have seen things we can hardly imagine, things that may haunt them throughout their lives. I have worked hard with my colleagues on both sides of the aisle to try and fashion some legislation so we have a commission that is set up to look at the mental health problems of our soldiers. They are deep, the signature wounds of this war, brain damage and posttraumatic stress.

In other parts of Iraq that Sunday, in addition to that school I showed and in addition to the fight with Heaven's Army, the messianic cult, we lost two U.S. soldiers and a marine. In Kirkuk, violence raged. In Babil Province, mortar rounds killed 10, and 5 bodies were found in the Tigris River. There was an assassination in Kut, a deadly car bombing in Fallujah. In western Baghdad, explosives hidden in a wooden cart killed 4 and injured 18, and an Industry Ministry advisor and his daughter were shot to death.

On the east side of the Tigris, a bomb exploded on a bus, killing one. Two other bombs exploded, killing seven. A bank clerk was killed by gunmen in a car near her home. This was all in this one article. This is one day, January 28, one day. Fifty-four bodies were found, including a woman kidnapped 2 days prior.

And finally, in Diyala Province northeast of Baghdad, 1,500 policemen, Iraqis, were charged with absenteeism and fleeing fighting. And this is what the President is sending more of our American soldiers into, and they wouldn't let us vote on it here. It is absolutely outrageous. It is immoral that we cannot vote on whether we agree with this escalation. Our soldiers gave the Iraqis their freedom, their Government, a sovereign nation, and now it is the Iraqis' turn to decide their future.

President Franklin Delano Roosevelt, the man who knew a thing or two about being at war said:

In the truest sense, freedom cannot be bestowed; it must be achieved.

The Iraqis must achieve it. We cannot want it for them more than they are willing to fight for it themselves. All we are doing by sending more troops to Iraq is feeding an already out-of-control dependence. So I believe we must not only speak out against the escalation, but we should do everything in our power to stop it. We need to convene an international conference, as the Iraq Study Group called for. We need to call for a cease-fire. I haven't heard the word out of the Malaki's lips, "cease-fire." It is his country. His people are killing each other. "Cease-fire" would be a term of art to give people hope that there can be peace. At this international conference, we can look at the long-term solutions. Right now our troops have mission impossible, acting as a police force in the middle of what is, by most accounts, a civil war.

Nowhere in the resolution this Senate voted on authorizing force is it stated our soldiers' mission is being in the middle of a shooting civil war. We ought to ask this President to come back with a new authorization, if that is what he wants to do.

Senator WARNER has said that in the past. He said:

I think we have to examine very carefully what Congress authorized the president to do in the context of a situation, if we're faced with all-out civil war.

Well, that time has come. This President should, A, send a signal that he wants to see us vote on this escalation of his and, B, be willing to come back with a new authorization that says clearly that it is fine for our troops to be in the middle of a civil war. Enough is enough.

Enough is enough. We have to end the paralysis of "stay the course." This is a time of great challenge for the U.S. Congress. I have been very proud these past few weeks to see my colleagues on both sides of the aisle begin to speak out forcefully against this. For me, it is easy to oppose the President on this war because, as I said, I voted against it, as did the occupant of the chair at that time. We didn't have our questions answered. I understand it is harder for others. But I believe everybody—at least a majority of the Senate—wants to vote on this escalation. They want to be heard on behalf of their constituents.

So it is times like these that I recall the words of one of my heroes, the great Martin Luther King, who said:

The ultimate measure of a man [and I suspect he meant woman, also] is not where they stand in the moments of comfort, but where they stand at times of challenge and controversy.

He also said:

Our lives begin to end the day we become silent about things that matter.

Well, this escalation matters. We ought to be heard on it.

I commend my leader, Senator REID, for holding firm on this issue. There ought to be an up-or-down vote on this escalation.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

#### UNANIMOUS-CONSENT REQUEST

Mr. MCCONNELL. Madam President, my good friend, the majority leader, and I have been in a discussion over the last few days, going back to last week, over how to go forward on the Iraq debate. As I have indicated to him both privately and publicly, we on this side of the aisle were certainly looking forward to having an Iraq debate this week and are prepared to do so and are ready to go forward.

I think we all agree at this moment that there is no more important issue facing the Nation than the mission and the fate of the American service men and women in Iraq. This means, of course, that the men and women of this body have no higher duty than to express ourselves openly and honestly on this issue, to take a stand on where we stand. The only truly meaningful tool the Framers gave us to do this was our ability to fund or not fund a war. That is it. This is what Republicans are insisting upon—that the Members of this body express themselves on the question of whether to fund or not to fund the war in Iraq.

I had indicated to my good friend, the majority leader, that I would be propounding another unanimous-consent request at this point, and I will do that now.

I ask unanimous consent that, at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement: S. Con. Res. 7, the Warner resolution, which is to be discharged from the Foreign Relations Committee; McCain-Lieberman-Graham, regarding benchmarks; Gregg, relating to funding.

I further ask unanimous consent that there be a total of 10 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of these measures; further, that at the use or yielding back of time, the Senate proceed to three consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening action or debate: McCain-Lieberman-Graham, on benchmarks; Gregg, on funding and supporting our troops; S. Con. Res. 7, the Warner resolution.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on adoption be vitiated and the concurrent resolution be returned to its previous status.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, this is basically

the same thing that has been asked before. The issue before the American people is whether the President of the United States, on his own, should be able to send 48,000 American soldiers to Iraq, costing approximately \$30 billion extra.

The Republicans can run, as I said yesterday, but they cannot hide. That is the issue before the American people. We all support the troops, and we have fought very hard, in spite of our misgivings about this war, to make sure they have everything they have needed.

It is interesting that there is a lot of talk about the Gregg amendment. But if you look at the Gregg amendment and at page 2—the last paragraph on page 2 of his amendment—and you look in the Warner amendment on page 3, paragraph 4, it is identical language. Warner has encapsulated within his amendment what Gregg wanted, which is the so-called “resolve clause.”

This is all a game to divert attention from the fact that we have before us now an issue that the American people want us to address: whether there should be a surge, an escalation, an augmentation of the already disastrous war taking place in Iraq, causing 3,100 American deaths, approximately; 24,000 wounded American soldiers, a third of whom are hurt very badly; 2,000 are missing multiple limbs—brain injuries, blindness, paralysis. That is what 8,000 American soldiers now are going through—men and women.

So I ask my friend to amend his request in the following manner:

I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 7, by Senator WARNER, and S. Res. 70, by Senator MCCAIN, and the Senate proceed to their consideration en bloc; that there be 6 hours for debate equally divided between the two leaders or their designees on both resolutions, to be debated concurrently; that no amendments or motions be in order to either resolution; that at the conclusion or yielding back of the time, the Senate vote on Senator MCCAIN's resolution, followed by a vote on Senator WARNER's resolution; that if either resolution fails to garner 60 votes, the vote be vitiated and the resolution be returned to its prior status; that immediately following the votes on the resolutions I have just mentioned, the Senate turn to the consideration of H.J. Res. 20, the infamous continuing resolution, funding the Government after February 15 for the rest of the fiscal year; that there be 4 hours for debate on the joint resolution; that no amendments or motions be in order in relation to it; that at the conclusion or yielding back of the time, the Senate vote on final passage of the joint resolution; that if the joint resolution fails to get 60 votes, the vote be vitiated and the joint resolution be returned to the calendar.

I announce that if we are able to do that—dispose of these three items I

have mentioned—this week, or whenever we finish them, then we would begin the Presidents Day recess at the conclusion of this week. One of the things we found is that because of the accelerated work schedule, people are having a lot of work to do at home. So that is why we would do this.

Madam President, there would be no amendments to the CR from either side. I mention that because, in getting to the point where we are, there has been total consultation by the majority and minority, each subcommittee, and the majority and ranking members. The chair and ranking members work very closely. One of the people heavily involved in this, for example, is Senator DOMENICI, my long-term partner on the Energy and Water Subcommittee on Appropriations. He fought for more, and he got more. That happened with many Republicans who spoke out, and most of them did.

I further say that if there were ever a bipartisan measure, it is the continuing resolution. But we have to finish before February 15.

So I ask my friend, the Republican leader, to accept my alteration to his unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, let me remind our colleagues that 4 years ago last month, we were at exactly the same situation. My party came back to the majority. The Democratic majority of the previous Congress had not passed 11 out of the 13 appropriations bills. And what did the new Republican majority do? We took up an omnibus collection of appropriations bills. We had over 100 amendments offered. We gave everybody in the Senate an opportunity to offer amendments, and we disposed of all of those appropriations bills over a couple-week period.

What my good friend, the majority leader, is suggesting is that we take up a continuing resolution of 11 appropriations bills, with no amendments whatsoever, and he offers as an enticement an extra week off. This is completely unacceptable to the minority. First, he is saying that we cannot get adequate consideration to our Iraq proposals. Second, he is saying we cannot have any amendments to an over \$400 billion continuing appropriation. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I will continue reserving the right to object to my friend's unanimous consent request. Prior to making a decision on that, I want to read to everybody here from page 3, paragraph 4, of the Warner resolution:

The Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their

effectiveness in pursuing their assigned missions.

Madam President, I object.

Mr. MCCONNELL. Madam President, it is clear now to the minority that five proposals on our side were too many, three proposals were too many, and two proposals were too many, but the majority leader offered us one last week. He said: I will take one and you take one. So I am going to modify my request of a few moments ago which, as the leader indicated, was exactly the same as my request of late last week. I am going to modify my request.

As I have said repeatedly, the Members on this side of the aisle are ready and willing to proceed with this debate. At the outset, I indicated we were prepared to enter into, as I said a moment ago, an agreement for debate and votes on various resolutions. We had hoped for a number—and it was pretty challenging, frankly, to pare down the number on our side. As I indicated, we started with five. That was rejected from the other side. We pared our proposals down to two. That meant three proposals in total—the Warner proposal and two additional ones—to be debated for a reasonable amount of time and then three votes—the unanimous consent request I just propounded.

I think what we just offered was a reasonable approach and would allow the Senate to have those votes this week. Evidently, as I indicated, three proposals are too many. So, therefore, in order to allow us to move forward with this important debate, I am prepared to have votes on just two resolutions.

Therefore, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed en bloc to two concurrent resolutions under the following agreement: S. Con. Res. 7, the Warner resolution, which is to be discharged from the Foreign Relations Committee; and Senator GREGG's amendment related to the funding and supporting our troops.

I further ask unanimous consent that there be a total of 10 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of the measures; further, that at the use or yielding back of time, the Senate proceed to two consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening debate: the Gregg resolution supporting the troops and S. Con. Res. 7, sponsored by Senator WARNER.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on adoption be vitiated and the concurrent resolution be returned to its previous status.

Mr. REID. Reserving the right to object, we have gone from this morning and trying to copy one of the trick plays from the Super Bowl to now

going to the science bill, and I guess it is modern math. We don't accept that, Madam President. What we demand for the American people is an up-or-down vote on the escalation of the war in Iraq. McCain has been filed. Let's vote on it. Let's vote on Warner. That is our proposal. We haven't wavered from that. We will not waiver from that. That is what the American people demand and ultimately they will get. I object.

The PRESIDING OFFICER (Mrs. MCCASKILL). Objection is heard.

The Republican leader.

Mr. MCCONNELL. Madam President, as my good friend on the other side of the aisle frequently reminded us last year, the Senate is not the House. It is not possible in this body for the majority to dictate to the minority the contents of this debate. What we are asking for, by any standard, is reasonable: One alternative—just one—to the proposal on which my good friend, the majority leader, is seeking to get a vote. We don't object to having this debate. We are ready and willing to have this debate, anxious to have this debate, but we insist on fundamental fairness.

The Gregg amendment is about the troops. How can we have a debate on Iraq and have no debate about the troops? Do we support them or don't we? That is what the Gregg amendment is about, and Senate Republicans insist that we consider those who are being sent to Iraq, over and above the current troops deployed there, in our debate, which is entirely about the additional troops going to Iraq.

I assume the whole genesis of this debate this week is the question of additional troops going to Baghdad under the direction of General Petraeus to try to quiet the capital city and allow this fledgling democracy to begin to take hold. And the Gregg amendment—Senator GREGG is right here on the floor of the Senate and is fully capable of explaining what the Gregg amendment is about. I ask the Senator from New Hampshire, what is the essence of the Gregg amendment which we seek to have voted on in the context of this Iraq war?

Mr. GREGG. Madam President, I will attempt to read it. I first have to find my glasses. My wife told me I had to use my glasses.

The resolution which I proposed and which I understand the Republican leader has suggested be the Republican alternative or the alternative presented—in fact, it will have Democratic support, I suspect, enough so that maybe the majority leader doesn't want it voted on because it might have so much Democratic support.

In any event, it is a proposal that simply states that it is the sense of the Congress that Congress should not take any action that will endanger U.S. military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effec-

tiveness in pursuing their assigned missions.

I don't think it requires a great deal of explanation. It is simply a statement of commitment to our troops which seems reasonable. It is hard for me to understand how we can send troops on a mission, walking the streets of Baghdad—American troops, American men and women—and not say to those men and women: Listen, we are going to support you with the financing, with the logistics, with the equipment you need to be as safe as you possibly can be in this very dangerous mission you are undertaking for our Nation.

That is all it says. I can't understand why the other side isn't willing to allow a vote on that resolution. If they want to vote on the Warner amendment, it doesn't make any sense.

Mr. MCCONNELL. Madam President, reclaiming my time, the other side just proposed an agreement that mandates 60 votes on two resolutions. Those are their words on paper. We agree to those terms, but at least we are suggesting that we be allowed to pick the proposal on our side, as Senator GREGG has just outlined what the proposal on our side would be.

The majority leader apparently seeks to dictate to us what the proposal on our side would be. That is simply unheard of in the Senate, that he is telling us that on the continuing resolution, we will get no amendments at all, and on the Iraq resolution, he will pick for us what our proposal is to be. I think that doesn't pass the fairness test.

I see the Senator from New Hampshire on the Senate floor. I wonder if he has any further observations he would like to make.

Mr. GREGG. Madam President, I would simply like to inquire of the Republican leader, have you ever in your experience seen a time when—either the Republican leadership or the Democratic leadership—the majority party says to the minority party: We will set forth the amendments on which we are going to vote, and we will also set forth and write the amendment on which you are going to vote?

Mr. MCCONNELL. Madam President, I say to my friend from New Hampshire, I have been here now—it is hard to believe—a couple of decades, and I cannot recall a time in which one side has dictated to the other side what their proposal will be in a legislative debate.

Mr. GREGG. I understand, I ask the Republican leader further, especially since it seems ironic in the context of putting forward a commitment to say to the men and women who are fighting for us: We shall give you the support you need when you are sent on a mission; they are not choosing to go on this mission; they are members of the military who, under their responsibility as members of the military, are being sent on a mission; is it not reasonable that we should say to them: We

will give you the logistical support, financial support, the equipment you need in order to fulfill that mission correctly?

Mr. McCONNELL. Madam President, I say to my friend from New Hampshire, I can't think of anything more relevant to an Iraq debate about the appropriateness of this new mission, which General Petraeus will lead, than the amendment which Senator GREGG has authored and which we request be our proposal as this debate goes forward.

Mr. GREGG. Madam President, if the Senator will yield just for one further point, would it not be truly unusual in a democratic forum, which is supposed to be the most deliberative body in the world, to not allow the minority to bring forward a resolution—which is probably going to get more than a majority vote should it ever be voted on—which is not contestable as to its purpose—its purpose being well meaning; it is certainly not a purpose that is anything other than to express a sense of support for those who are defending us—would it not be a new form of democracy, maybe closer to the Cuban model, to not allow an amendment presented by the minority as their option but, rather, have the majority write the minority's amendment which would then be voted on? That way the majority gets to write both amendments, I guess is my bottom line.

You have one-party rule, sort of a Cuban model of democracy.

Mr. McCONNELL. Madam President, I thank my friend from New Hampshire for his observations about not only the process but the merits of his proposal.

Let me conclude by reiterating once again that I think the Senator from New Hampshire and I and others, including those who have been speaking on the Senate floor on this side this morning, welcome the debate about Iraq policy. We had anticipated having the debate this week. It is not too late to have the debate this week.

We are now down to two proposals, just two proposals. It took a lot of time on our side to get down to one for us and, of course, the majority has a preference of its own. This debate could be wrapped up in relatively short order, and then we could move on with the continuing resolution, where I hope it might be possible for the minority to have at least some amendments.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Presiding Officer is a new Member of this body, but she should have seen when the Republicans were in the majority. We didn't have amendments. They filled every tree. I will also say, it speaks volumes here today—volumes. There is not a single person on the other side of the aisle who has come to the floor and supported the troop surge of President Bush—not a single person. I wonder if President Bush is aware

that not a single Republican Senator has come to the floor and said: I support President Bush sending 48,000 more troops to Iraq. That speaks volumes.

I will also say this, Madam President: Senator BOXER, a couple rows back, just a few minutes ago, talked about one short snapshot of one day from the Los Angeles Times: Scores of people being murdered and killed and mutilated; a little girl leaving school with blood-drenched steps over which she was walking. One could see the red in the photograph, and Senator BOXER was one, two, three rows back. We could all see that.

Not a single person has come to the floor to support the surge, but that is what is dictating what we vote on today. It is not the majority leader. We, for the American people, need to have this debate.

Also, I certainly care a lot about the Senator from New Hampshire—and he knows that is true—but I have to smile. What has he done the first few weeks of this legislative session? He has brought to the Senate floor during the debate on ethics, lobbying reform, and earmark reform the line-item veto, and then he brought it forth again on minimum wage. And now to stop a debate on the escalation of the war in Iraq, he now comes up with this other diversionary tactic. He is a wonderful man, a gentleman, but, Madam President, do you know what he kind of reminds me of this first few weeks of this legislative session? Somebody who comes into a basketball game, not to score points, just to kind of rough people up, just to kind of get the game going in a different direction.

The game we have going today has nothing to do with supporting the troops. We support the troops. Every speech that a Democrat has given in the last 4 years has talked about how much we support the troops. In fact, we were the first to raise the issue. We were the first to raise the issue about a lack of body armor. We raised that first. We support the troops. We have done that not only with our mouths but with the way we voted.

The debate in the Senate should be on the resolution submitted by the Senator from Arizona, which they have obviously dropped—the resolution from the Senator from Arizona and Senator LIEBERMAN from Connecticut. They threw that out in an effort to go for this diversion.

So why don't we see how the minority feels about voting on the President's surge of \$30 billion and 48,000 troops? That is what this debate is about.

Mr. GREGG. Madam President, will the Senator yield for a question?

Mr. REID. Sure.

Mr. GREGG. First, I appreciate the Senator's generous comments. I take them as a compliment. I have been active legislatively. That is, obviously, our job.

I ask the Senator: He heard me read the language of my resolution earlier, and I will read it again, if he wishes.

Mr. REID. If I can interrupt, and I do that apologetically, I read it before the Senator from New Hampshire arrived in the Chamber because it is in the Warner resolution.

Mr. GREGG. Good. If the Senator is of such a mind, I ask if this were a free-standing resolution brought to the floor, would the Senator vote for my resolution?

Mr. REID. I don't think I have to make that judgment now because the judgment, I say to my friend from New Hampshire, is not some diversionary matter. The issue before this body and the issue before the American people—that is why we are getting hundreds of phone calls in my office and other Senate offices around the country. The issue is does the Senate support the President's surge? That is the question.

I have to say the Senator from Arizona at least was willing to put his name on it and move forward. We haven't heard a lot of speeches in favor of his resolution. Where are they?

Mr. GREGG. Madam President, if the Senator will yield further, I guess I find it difficult to argue that it is a diversion when the resolution that I am proposing simply says that we will support the troops who are being asked to carry out the mission they have been assigned. This is not a diversion. This is a responsibility, I would think, of every Member of the Senate to take a position on whether they support giving the troops who have been assigned the task, the equipment, the financial support, and the logistical support they need to protect themselves and carry out that mission.

I think to call that a diversion does not do justice to our troops in the field, so I am concerned about that. It does seem to me for the Senator from Nevada to take that position is inconsistent with the basic philosophy of Congress, which is that the first responsibility in a matter of warfighting is to support the troops.

Mr. REID. Madam President, I have been asked to yield to my friend from Washington, and I am glad to do that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I asked the majority leader to yield for a question. I have been on the Senate floor and listened to the exchange between the majority leader and the Republican leader and, quite frankly, I was astonished and I want to understand if the majority leader heard the same thing I did.

The Republican leader came back to you and offered to remove from consideration the McCain amendment, which is the pro-escalation amendment, essentially offering a vote on just the Warner and Gregg amendment. Leaving aside what this says about the lack of support of the proposal on their side, are we hearing from the other side that



they do not even want a vote on whether they support the President's escalation?

It seems to me we are hearing a phony debate request on who supports the troops. That is not a debate that we need to have. Everyone in this body supports the troops. I ask the leader if he heard the request from the Republicans the same way I did, that they no longer even want to have a vote on whether they support the President's escalation.

Mr. REID. Madam President, I say to my friend from Washington that we have a record of supporting the troops. We did it in Kosovo, we did it through the entire Balkans, and we did it in Afghanistan. We did it in Afghanistan with very few questions asked, and rightfully so. We have supported every effort made by this President to defeat the war on terror, with rare exception. But the troops in the field? Never, never have we wavered from that.

In fact, I don't know of a speech, although there could be some given, where a Democrat has talked about the war in Iraq and hasn't talked about how much we appreciate the work done by these valiant troops and the sacrifices of their families. That is why we were stunned during the State of the Union Address when the President even mentioned the veterans.

I am happy to have answered the question from the Senator from Washington.

Mr. MCCAIN. Madam President, if the Senator will yield for a question.

Mr. REID. I yield.

Mr. MCCAIN. I thank the Senate majority leader for yielding for a question, and I appreciate his willingness to engage in a dialogue on this issue.

In reference to the question of the Senator from Washington to the majority leader, I do want our resolution debated. We are trying to move forward. As I think the Senator from Nevada is aware, there was a proposal to have a 60-vote, which is the way the Senate does business, on three resolutions—on the Warner, McCain, and Gregg resolutions—and that was turned down. I only agreed to the latest proposal because I think we need to move the process forward.

I guess what I am asking the Senator from Nevada is, isn't it really true that the way we do business here does require 60 votes? It is just a reality of the way the Senate functions. When there was an attempt a year ago, 2 years ago, actually, with the so-called nuclear option, I was one who fought hard to preserve the right of the majority to have 60 votes in the case of the appointment of judges, and I think we reached a bipartisan agreement on that.

So I still am a bit puzzled why we could not have a vote on my resolution that would require 60 votes in order for it to be adopted, just as it would be for the Warner resolution and as it would be for the Gregg resolution. I don't quite understand why we couldn't do that, as we have done hundreds of

times in the past, as the Senator knows, because we have been in the Senate for many years.

That is my question. Again, I thank the majority leader for allowing me to engage in this discussion with him.

Mr. REID. Madam President, I say to my friend who came to the House at the same time as myself, and then we came to the Senate together—in fact, there is only one person ahead of me in seniority, and that is the Senator from Arizona because the State of Arizona has more people in it than the State of Nevada—no one has ever doubted the courage of the Senator from Arizona. I have read the books. I know about Senator MCCAIN. He has not only been heroic on the field of battle but also legislatively, and I respect that.

But I say to my friend, yes, there are 60 votes required on some things in this body. Not everything. The vast majority of legislation that passes here is with a simple majority. I would say to my friend, recognizing that it does take 60 votes, that is why I offered to do the deal: McCain, 60 votes; Warner, 60 votes. That is the proposal I made.

That is pending before the body right now, and that has been turned down five or six times. So I would be willing to do it on a simple majority, if you want to do McCain on a simple majority or the Warner resolution on a simple majority. I would try to get that done. Right now, Madam President, we have the proposal I have made.

I do say that the debate is not whether we support the troops. That is a diversion. We support the troops. The issue before this body is whether the American people deserve to see how their Senator is going to vote; whether their Senator approves the surge, the escalation, the augmentation of 48,000 troops, costing approximately \$30 billion extra. That is what the American people care about, not whether we support the troops. We all support the troops.

Mr. DURBIN. Madam President, will the Senator from Nevada yield for a question?

Mr. REID. I will be happy to yield.

Mr. DURBIN. Madam President, I want to understand what has happened over on the other side, the Republican side. Is it my understanding they have asked now to drop the McCain-Lieberman amendment?

Mr. REID. I have to be honest with my friend from Illinois, who also came with us at the same time from the House to the Senate, that the answer is, yes. The Lieberman amendment has been given up.

Mr. DURBIN. If I might continue through the Chair to ask the Senator from Nevada a question, on the issue that I think is before America today—whether we should escalate the number of troops into this war in Iraq—we had offered to the Republican side a choice between two Republican amendments: Senator WARNER's amendment, which said the President's policy is wrong, and Senator MCCAIN's amendment,

which says the policy is advisable and should be followed. Even given the option of two Republican amendments, the Republican minority, yesterday, voted to deny any opportunity for the Senate to debate two Republican amendments?

Mr. REID. I would say to my friend, yes, that is true. We were willing because the Senator from Arizona had the ability, the courage, and the dignity to put this issue before the American people, even though—and he knows this—the vast majority of American people do not support the escalation in Iraq. But he did it. We were willing to take two Republican resolutions—one supporting the surge, one opposing the surge—and let Senators from every State in the Union raise their hand and tell the American people how they feel about it.

Mr. DURBIN. Madam President, I might ask the Senator from Nevada whether this resolution being offered by Senator GREGG really is focused not on the major issue of escalating the war but somehow is focused on supporting the troops. Even the Warner resolution, a Republican resolution, has the identical language of the Gregg resolution when it comes to that support of the troops; is that not true?

Mr. REID. I say to my friend that the rumor around here is that Senator WARNER put that in there thinking he could get the support of the Senator from New Hampshire, but, obviously, he was wrong.

Mr. DURBIN. Madam President, I might also ask the Senator whether it appears to him now that the Republicans, at this point, don't want to debate either of the Republican amendments and want to change the subject; that they want to move to a Gregg resolution, which deals with, as the Senator has just said repeatedly, support for the troops, which is not an issue?

We all support the troops. It appears to me that we have made no progress in the last 24 hours, and I would ask the Senator from Nevada if he has a different conclusion.

Mr. REID. I say to my friend that the only thing I sense this afternoon—and I have to say it with a smile on my face, and I hope everyone recognizes this—is that every piece of legislation we have brought up, the Senator from New Hampshire has tried to throw a monkey wrench into it. It happened on ethics, it happened on the minimum wage, and now on this Iraq issue.

I guess my dear friend, who has a stellar political record as Governor, Member of the House of Representatives, United States Senator, chairman of the Budget Committee—and I have commented for the record many times about my admiration for him, but I guess he is the designated “see if we can mess up the legislation” guy this year. I would hope in the future to get somebody I don't care so much about because it is hard for me to try to oppose my dear friend from New Hampshire. Maybe when they do this every couple of months they will change.

Mr. McCAIN. Madam President, will the Senator yield for one more question?

Mr. REID. I will be happy to yield.

Mr. McCAIN. Madam President, again, I appreciate the courtesy of the majority leader.

Is it not true that when the Senator says he supports the troops, that there is disapproval of what they are doing and that the Senator does not think their mission is going to succeed? And is it not true that maybe some of the troops may not view that as an expression of support?

I talked to many men and women in the military in recent days, ranking from private to general. Isn't it true that most of them, if you had the opportunity to talk to them, would say: When they do not support my mission, they do not support me?

Therefore, isn't it just a little bit of an intellectual problem to say: Of course, we support the troops; of course, we support the troops; of course, we support the troops, but we are sending you over—and they are going because this is a nonbinding resolution—aren't we saying that we think they are going to fail and this is a vote of no confidence?

The so-called Warner amendment, by the way, is not a Republican amendment, no matter whose name is on it.

Is it not true that when I look one of these soldiers or marines in the eye and say: I really support you, my friend, and I know you are going into harm's way, but I don't think you are going to succeed, in fact, I am against your mission, but I support you, that they do not buy it? They do not buy it, I will say to my friend from Nevada, and don't think that they do.

So I would ask my friend if it isn't true a vote of no confidence is a vote of no confidence to the men and women who are serving in the military. It doesn't sell.

Mr. REID. Madam President, I also have had the opportunity to go to Iraq as many times as my friend from Arizona, and I also speak to the troops and the people at the Pentagon. I have to respectfully suggest to my friend that there are many individuals whom I have spoken to who really like what we have suggested—we, the Democrats—that there be a redeployment of troops.

Does that mean they all pull out of Iraq and leave immediately? Of course, it doesn't. But redeploy the troops. Redeploy the troops. Redeploy them to do what? Counterterrorism, force protection, and training the Iraqis. And my contacts in the military say they think our proposal is pretty good. We were on this proposal before the Iraq Study Group, but they adopted it, and I hope they got it from us, and that is that there should be a regional conference, including Saudi Arabia, Egypt, Jordan, Syria, and, yes, Iran. This is a regional problem. This war will not be handled and dealt with and taken care of militarily. It can only be done diplomatically.

We are a wonderful fighting force, and we will continue to be, but where we have lost our edge is diplomatically. We have not done well at all in that regard, and the people I have talked to in the military support what we are trying to do: redeployment; they support a regional conference; they support, of course, recognizing that this must be handled politically. There has to be some meaningful reconstruction that goes forward—producing less oil now than before the war, less potable water, and less electricity. These are the things which have to be changed, and the people I talk to in the military think we are headed in the right direction.

They also think we are headed in the right direction when we speak out on the state of deterioration of our military. This war has taken a toll on our equipment—not on our troops alone, on our equipment. It is going to cost \$75 billion to bring the military up to the situation they were in prior to this war. They are grateful we are fighting for them in that regard.

So, Madam President, I respect—and I don't have the military background of my friend from Arizona, but I have contacts in the military, and I think a lot of those people are more willing to talk to me than someone who is running for President and someone who is more noteworthy than I am. He is better known in the military, and they know he can respond to them probably better than I. So they are willing to tell me a lot of things they wouldn't tell someone as significant as JOHN McCAIN.

So, Madam President, I think the Democratic plan we have enunciated is pretty good, much of which we have enunciated for a long time and has been picked up by the Iraq Study Group.

Mr. DURBIN. Madam President, would the Senator yield for a question?

Mr. REID. Certainly.

Mr. DURBIN. I would like to ask the Senator from Nevada the following question: If I follow the inquiry of the Senator from Arizona, it leads me to this conclusion—and let me add my voice in chorus commending his service to our country and commending his courage. I share the admiration, and I mean it sincerely, I say to the Senator from Arizona. But his argument goes something like this: If you are not loyal to the policies of the Commander in Chief, then you are not loyal to the troops. If you are not prepared to say you will stand behind the policy, the military policy of the President, whether you agree with it or not, then you do not respect the troops and don't have confidence in the troops. Nothing is further from the truth.

I ask the Senator from Nevada, does he think it is possible to disagree with the President's policies and still be loyal to the troops? Is it possible to say the President was wrong in not bringing more countries in as allies in this conflict before we invaded and still be

loyal to the troops? Is it possible to say we didn't send enough soldiers when we should have and still be loyal to the troops? Is it possible to say disbanding the Army of Iraq was a bad decision and still be loyal to America's troops? Is it possible to say the situation that is grave and deteriorating in Iraq is evidence of a need for a new direction and still be loyal to the troops?

I just don't buy the premise by the Senator from Arizona that if you question the policy of the President, somehow you are disloyal to the soldiers. They are the ones following orders from the Commander in Chief. We have a special obligation to them—I think a loyalty to them—far and beyond any Chief Executive.

I would ask the Senator from Nevada if he believes you can be loyal to the troops and still disagree with the President?

Mr. REID. I think that is part of being a patriotic Member of this Congress.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I was, unfortunately, engaged in a briefing in S. 407 on the most recent NIE, and I have just come down to join my colleagues on the Senate floor and I caught some portions of the debate. But I would like to say to my colleagues that the Senator from Virginia, together with probably six or eight other Republicans, has been discussing this issue very carefully and thoughtfully and respectfully.

Frankly, we have taken to heart what the President said when he addressed the Nation on January 10. His very words were: "If there are those with ideas, we will consider them." We accept that invitation by our President and have tried in a very respectful way to simply state that we have some serious concern with the level of 21,500 additional troops. Now we learn it could even be larger than that, in testimony, open testimony this morning with the Secretary of Defense and the Chairman of the Joint Chiefs. It could be 3,000 or 4,000 more. We tried in a very respectful way simply to express our concerns about an increase of that level at a time when polls show most of the Iraqi people don't want us there, much less increase the force. Now, I am not following the polls, but we are asking our troops to go into a very heated, emotional situation in that country. We simply said to the President: Shouldn't we put more emphasis on the utilization of the Iraqi forces? Shouldn't we let them bear the brunt of such additional security as must go into Baghdad?

We learned this morning that the efforts to build up the forces have fallen short. I am not going to pronounce judgment on what happened on just 2 or 3 days' reporting, but clearly the number of Iraqis showing up is far below the estimates or significantly below the estimates we anticipated their participation would be in this operation which, in many respects, is to

be joint. We talked with General Pace this morning about my concern of this concept of joint command and control. He assured us the American forces would have a linear straight line from an American senior officer right down to the sergeants operating the platoons on the front lines. But nevertheless the Iraqis are going to have their chain of command, and I think that puts a challenge to us.

But I don't want to digress from my main point. Our group, in a conscientious and a respectful way, even wrote into the resolution that we in no way contest the right of the President of the United States under the Constitution to take the actions he has taken thus far and will take. But as long as I have been in this Chamber—now in my 29th year—I have always tried to respect another Senator's way of thinking. I don't question his integrity or her integrity or their patriotism or anything else. I do not do that now. I wish to make my points based on what I have put forth in this resolution with about six other Republican colleagues and a number of Democrats.

We simply want to suggest—and we use the word “urge”—we urge you, Mr. President, not “direct you” or “you shall do this,” we simply urge that you take into consideration all the options by which you can bring down this level and consider greater utilization of the Iraqi forces.

Then we have the subsidiary question that this program is in three parts—one part military. So much of our focus has been on that. There is a diplomatic part. There is an economic part. In our testimony today with the Secretary of Defense and the Chairman, we stressed the need for all three of those parts to come together at one time to have the effect that the President desires with his new plan. Somehow, we gained the impression today that maybe the political part and perhaps the economic part are not quite as far along as some of the military thinking and planning. Actually, the troops are moving in as we debate this on the Senate floor.

So there were several questions we respectfully raised with the President, urging him to take a look at this, by means of which to lessen—lessen the total number of 21,500 and, indeed, more now—troops.

We also point out the importance of the benchmarks. That is all in there. We carefully lay out that the benchmarks should be clearly and fully understood by both sides and a method put in place by which we can assess the compliance or noncompliance for those benchmarks. The Secretary of Defense today, in his testimony to us, in response to questions from this Senator and others, said: Yes, we will put in a mechanism by which to evaluate the degree to which the Iraqi compliance is taken with respect to benchmarks, the benchmarks that basically have to support the President's plan. In addition, we put in the resolution of the Senator from New Hampshire. I think it is im-

portant that we have an expression in here about the non-cutoff of funds.

So our resolution has been presented to try as best we can to put together right here on the floor of the Senate a bipartisan consensus. I think the American public is entitled to see whether the Senate, an institution that is followed throughout the world, can come together and express in a single document—accompanied by lots of debate but in a single document—a joinder of a number of Republicans and a number of Democrats, so it is truly bipartisan, and therefore the American public will get, I think, the sense of confidence that this body is carrying out its responsibility under the Constitution to speak to this issue and to put onto a piece of paper what we think is the nearest a group of us can gather and express ourselves. And that includes a vote.

I am not going to enter into further debate with the two leaders. I think they are trying to work out and resolve this problem. I support my leader with respect to the cloture, and that raises a question: How can I advocate that I strongly adhere to my resolution and at the same time support my leader? Well, when I first came to this Chamber many years ago, the old-time Senators who taught me so many lessons said: This is what separates the Senate from the House—the ability to have this almost unlimited debate by a single Senator. And it is, throughout the history of this institution, one of its revered tenets and its rules. To take that and deny it, deny Senators the ability to bring up their own resolutions to express their own views, is a curtailment that I believe we should consider long and hard. That is why I cast that vote yesterday.

So I leave it to the two leaders, but I come back again to the need for this great institution to express itself through the votes of hopefully a significant number of Senators, that this is what we believe is the best course of action for our Nation to take as we revise our strategy in Iraq, as we move ahead. And in our resolution, we put in there ever so expressly that we agree with the President; it would be disastrous were we to allow this Government to collapse not knowing what government might or might not take their place, and to allow the Iraqi people to lose the ground they gained through courageous votes several times to put this Government together. It would be bad for Iraq, it would be bad for the region, and it could have ramifications on world peace and our efforts to stem this terrible growth of terrorism worldwide.

I yield the floor.

Mrs. MURRAY. Madam President, I ask unanimous consent that the time used by the two leaders in the exchange on the floor not be counted against the 90 minutes on each side.

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

Mrs. MURRAY. I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, war is the most serious and the most consequential issue we can debate here in the Senate. American lives, American security, and America's future are all on the line when our country decides questions of war and peace. For years, we have been denied a real opportunity to fully debate this war in Iraq, a war that has now claimed more than 3,000 American lives with no end in sight.

Last November, the voters sent us a message. They want a new direction. What do we hear from the President? More of the same. In fact, his plan is to escalate the war by putting up to 48,000 more Americans in the middle of a deadly civil war. They are two completely different approaches. On one side, we have the American people, the Iraq Study Group, generals who have spoken out, and a bipartisan majority of Congress. On the other side, we have the President and his supporters. In a democracy, we resolve these issues through debate. We in the Senate are ready for that debate. We are ready to move in a new direction, and it starts by putting this Senate on record as opposing the President's plan to escalate the war in Iraq.

I have been looking forward to finally having this debate in the Senate, but apparently some of the Republicans have a very different strategy. They don't want to have a real debate. They don't want to consider the resolutions that have been offered. In fact, I think the discussion we just witnessed right now showed that to us.

Last night, by voting against a motion to proceed to this debate, they said they didn't want to talk about this. Now, I am not here today to question their motives, but I do want to point out the consequences. Every day they block a debate, they send a message that Congress supports escalation. Every day they block a debate, they deny our citizens a voice in a war that has cost us dearly in dollars and in lives. And every day they block a debate, they are blocking the will of the American public.

I am on the Senate floor today because I know this debate is long overdue, and I am not going to let anyone silence me, the troops for whom I speak, or the constituents I represent. Ever since the start of combat operations in March of 2003, I have been very frustrated that we have been denied a chance to hold hearings, a chance to ask critical questions, a chance to demand answers, to hold those in charge accountable, and to give the American people a voice in a war that is costing us terribly. We are going to have that debate whether some in this Senate like it or not.

Four years ago, I came to the Senate to discuss the original resolution to give the President the authority to wage war in Iraq. At that time, I asked a series of questions, including: What is

the mission? What will it require? Who is with us in this fight? What happens after our troops go in? How will it impact the Middle East? How will it affect the broader war on terror? And are we being honest with the American people about the costs of that war?

After exploring those questions back almost 4 years ago, I announced on October 9 of 2002 that I could not support sending our men and women into harm's way on an ill-defined solo mission with so many critical questions unanswered.

Now, here we are today, 4 years later, \$379 billion and more than 3,000 American lives taken. Now the President wants to send more Americans into the middle of a civil war against the wishes of the majority of the public and Congress?

As I look at the President's proposed escalation, I am left with the exact same conclusion I met with 4 years ago. I cannot support sending more of our men and women into harm's way on an ill-defined solo mission with so many critical questions unanswered. Today, President Bush wants to send Americans into battle without a clear mission, without equipment, without an endgame and without explaining the cost.

When he tried it 4 years ago, I stood up and spoke out and I voted no. Again today, President Bush wants to send more Americans into battle without a clear mission, without equipment, without an endgame and without explaining the costs. Once again, I say: Not on my watch. We need a new direction, not more Americans in the middle of a civil war. I will vote for a bipartisan resolution to send a clear message that we oppose the surge. It is the first step in demanding a new direction in Iraq.

No debate on Iraq can begin without first recognizing our men and women in uniform who risk their lives and all too often give up their lives to keep all of us safe. Whenever our country calls, they answer, no matter the cost to them or their families. They are our best. They are our brightest, they are our bravest, and I hope to give them a voice in this debate.

While most Americans today are going about as normal, our troops and their families are quietly making tremendous sacrifices. The burdens of this war have not been shared equally, and we owe so much to those who shoulder those heavy burdens.

I had a chance to visit servicemembers from my home State on the ground in Kuwait and in Baghdad. Every one of them makes us proud. I have sat down with servicemembers and their families at Camp Murray, at McChord Air Force Base, at Fairchild Air Force Base. I have talked with returning servicemembers in every corner of my State. I have worked to help give them the health care and the benefits and the transition and support they deserve.

My home State of Washington has made tremendous sacrifices to help us

fight and win the war on terror. To date, more than 59,000 servicemembers with the Washington State connection have served in Operation Enduring Freedom and Operation Iraqi Freedom. Currently, there are nearly 10,000 people with the Washington State connection who are serving in OEF and OIF. According to the Department of Defense, as of January 20, for OEF and OIF, 702 servicemembers whose home of record is Washington State have been injured. That is 702 injured from my State. In addition, 66 servicemembers whose home of record is my home State of Washington have paid the ultimate sacrifice. The number is even higher when you include those who have a connection to Washington State.

Each one of those brave Americans is someone whose mother or father, sister or brother, daughter or son, their families are never going to be the same. Their communities will never be the same. I offer my prayers for those who have sacrificed for our country. We owe them a debt that can never fully be repaid.

After nearly 4 years of losses and misrepresentations and miscalculations, the American people have said they want a new direction in Iraq. Generals have spoken out calling for a new direction. The bipartisan Iraq Study Group called for a new direction. Yet President Bush has ignored everyone and is now pushing to send even more of our American troops into the middle of a civil war. He is wrong. And a bipartisan resolution is the first step we can take in helping to forge a new direction.

But now what we have is Republicans who are denying the Senate a chance to vote for that new direction. In fact, they are preventing the Senate from even debating the merits of that direction. They may have stopped us from moving forward last night, but they cannot stop this debate forever. The American people would not allow it.

If the Republicans stop their obstruction and start allowing the Senate to debate this misguided surge proposal, there are plenty of questions we have to ask. What would be the impact of a surge? How would it affect our men and women in uniform? Will it put more of them into the crossfire and cause more deaths and injuries? My home State is home to Fort Lewis and two of the Army Stryker Brigades. How is the surge going to affect them? Will some members see their current deployment extended? Will others see their deployment date moved up? Will all of them have the equipment they need when they are there? Those are the first questions we have to ask.

How will the surge affect our ability to care for our returning veterans? We are having trouble meeting their needs today; how will we do the job in an escalated war?

I have heard several Members on the other side demand ideas from Democrats, and my first response is simple:

To discuss ideas, shouldn't we discuss, first, the President's ideas? He is, after all, the Commander in Chief. That is the point of the resolutions, to foster a debate on the President's plan for the future of Iraq. But the Senate Republicans would not allow that. The Republicans' obstruction and the President's decision so far have left us with very few options.

I am looking at every resolution and every proposal. I am looking forward to having hearings and getting the facts and moving forward in a bipartisan way.

Personally, I believe the way forward should include three steps. First of all, we should strategically redeploy our troops. Second, we should work with Iraq's neighbors and other countries in the area to build a regional framework. And third, we need the Iraqis to take ownership of their own country and their own future. We can send troops for decades and never have a peaceful, stable Iraq until the Iraqi people are willing to work together for a purpose that is larger than their own tribe or their own sect or their own self.

We need to refocus our efforts on the war on terror, on fighting al-Qaida, and on addressing the other challenges that threaten our security. I am very concerned by the reports we hear about Afghanistan, that it is sliding backward and becoming more unstable. Those are some of the steps I would take to improve our security. That is the debate we ought to be having.

Before I conclude, let me address two concerns. First, some people have suggested that if you question the President's policies, you are somehow hurting our troops. As the Vice President would say, hogwash. Supporting our troops means giving them a clear mission, making sure they have the equipment and support they need and making sure we have a clear endgame. If any of those critical ingredients are missing, it is our duty to question the policy until we provide our troops with what they need. Sending more Americans into the middle of a civil war without a clear mission, without equipment, without support, without an endgame, is endangering our troops, not supporting them.

I don't shrink from war. I voted for the war in Afghanistan. My father served in World War II and he was injured in combat. I know war is sometimes necessary. But I also know that if we don't answer the critical questions, our troops pay the price. For too long, partisans have claimed to be speaking for our troops but have blocked the discussions that could truly protect them. I say, no more.

Finally, some people say that a non-binding resolution is not enough. And I agree. That is why this is a first step. We can't take the other steps until this Congress goes on record, in a bipartisan voice, telling the President the surge is wrong. Once we have done that, the ball is in the President's court. But today, Senate Republicans

are preventing us from getting there. If he still will not change course, we will look at the other tools before us.

Senators have discussed a wide series of steps that we could take. I will review all of them. We are also holding hearings to find out what options we can take. This is the first step. If the President doesn't hear us, we will take the next step. And the next step. And the one after that.

I understand that many Americans are frustrated that our troops are in the middle of a civil war. I am frustrated, too. I wish we had been allowed to start this process, these hearings, these debates and votes a long time ago. But we are moving aggressively forward now. Democrats have been in charge now for 5 weeks. And already, finally, we are having more debates, more hearings, more progress, than we have had in the past 3 years. But I can promise you, this is only a beginning.

We can't have these debates if the Republicans are blocking us in an open discussion of the war. The Republicans need to stop denying a real debate in the Senate, so that together we can move our country in a new direction. I believe for us to have an impact, Congress has to speak out in a clear, bipartisan voice. We could vote on hundreds of resolutions that make us feel better, but that would not help us change direction. It is a strong, bipartisan message from Congress to the executive branch and to the country that has the power to make progress.

I am willing to take the time and do this right and to build the support we need so that at the end of the day we can have a real impact. I strongly oppose the surge. I believe escalation is the wrong direction. I will vote to put the Senate on record opposing the surge if the Republicans will end their filibuster. I will continue to fight for new direction in Iraq.

For too long, the voices of our troops and our citizens have been blocked. Today, Senate Republicans are trying to continue that obstruction. I say, no longer. The debate must begin because our country will be better for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The Senator has 15 minutes.

#### IRAQ

Mr. DODD. Madam President, let me commend my colleague from the State of Washington for her comments and her views. I associate myself with many of the things she expressed in the Senate. I congratulate her for her words, her passion, and her strong feelings about where we stand today on this issue.

Let me also commend the Democratic leader for his efforts to engage in what is probably the single most important debate this Senate could pos-

sibly be engaged in. There are other very important matters at home and around the globe—but everyone would agree, regardless of your views on policy, that the issue of Iraq and where we stand and the effort by the President to increase the number of troops on the ground in Iraq, particularly to place them in the large, highly densely populated urban areas of Iraq, is one of the most serious issues facing our country.

We have had a series of serious and thought-provoking hearings conducted by Chairman BIDEN of the Senate Foreign Relations Committee over the last number of weeks on this issue, with people who represent a variety of ideological perspectives. Yet without fear of contradiction, I believe the overwhelming majority of the witnesses who have appeared before that committee have expressed serious reservations about this escalation, this surge, placing some 21,000 of our young men and women into Baghdad to try and act as a referee in what we all admit today is clearly a civil war.

Having this debate is important. I wish to take, if I can, the few minutes allotted to me to express my concerns about the process, my concerns about the surge, and my concerns about the overall direction of the policy in Iraq. There is not a lot of time to do that, but let me share some thoughts.

First of all, I believe that every Member in this Chamber, regardless of his or her view on the issue before the Senate regarding Iraq, would do everything he or she could to make sure that our brave men and women in uniform, serving in harm's way, would receive everything they could possibly need to defend themselves. That ought not to be a debating point. I know of no one in this Senate who feels otherwise. And the fact that we have to have some discussion about this very point is a reflection, I think, of what has gone wrong in this debate already.

In fact, I point out that over the last 4 years or so, there have been amendments offered by those of us here to provide different additional resources, such as for body armor, because we felt our troops were not getting what they needed. There has been significant discussion here in the wake of testimony offered by our senior military leaders about what has happened to the combat readiness of our troops as a result of our failure to continue to provide the kind of equipment and support they deserved over the years. Certainly what has happened to veterans coming back has also been the subject of debate. But, nonetheless, I believe most Members here, if not all Members here, believe our troops deserve the kind of support they ought to have when they are serving in harm's way.

And so, the debate is not whether you support our troops. The debate is whether the policy direction the President wishes to lead us in is the right one. That is a debate which ought to occur in this Chamber. Frankly, in my view, it ought to be a debate that re-

solves around at least a legislative vehicle that might have some meaning to it, some bite, some teeth, some reality, some accountability.

My leaders know I have strong reservations about a sense-of-the-Senate debate. Now, normally, we have sense-of-the-Senate resolutions when there is a consensus that develops. Normally, sense-of-the-Senate resolutions are offered around matters that are non-controversial and we wish to express ourselves regarding these matters, so we all sign on or virtually everyone signs on.

I would say if, in fact, the goal here was to get 70 or 80 Members of this Chamber—Republicans and Democrats—to sign on to a proposition that said we think the surge and escalation is the wrong thing to be doing, then the vehicle of a sense-of-the-Senate resolution would have value. But I would suggest here we are into the second day of this debate and we cannot even decide what sense-of-the-Senate resolution we want to debate.

So if you are sitting out there watching this Chamber at this moment, in terms of where we ought to be going and what the effect of what we are about to do is, it is rather confusing, to put it mildly, as to where we stand in all of this. We cannot even decide what sense-of-the-Senate resolutions to bring up. If we are going to have a debate around here that is meaningful, why not debate something that is meaningful?

So my concerns are, in many ways, that given this moment in time, before these young men and women are placed in harm's way—because I know full well, after a quarter of a century here, once they are on the ground, once they are in place, the debate changes. The debate changes. So if we are truly concerned about dealing with the surge and escalation, then I believe we ought to be engaging in a debate that has some meaningful outcomes when it comes to the decision of whether we go forward.

I, for one, would like to see a new authorization come to this body to be debated. The resolution on which we are operating today is one that was crafted 5 years ago. It was fundamentally linked to weapons of mass destruction and the conduct of Saddam Hussein. The first argument was, of course, a fiction. There were no weapons of mass destruction. And the second argument is no longer viable. Saddam Hussein is gone.

Today, we are being asked to place men and women in uniform in the middle of a civil war. It seems to me that if the President of the United States wants that to be a policy endorsed by the American people through the actions of this body, then we ought to be voting on a matter that says this is something we agree with and go forward. That would have some meaning to it, it seems to me. If we rejected it, then the President would have a strong answer from the Congress about whether we are about to continue to finance

and support that activity—again, not undercutting the needs of our troops in harm's way but a legitimate debate about a real issue that requires Members to stand up and vote yes or no.

I realize I am in sort of a minority of one or two here who believes the vehicles we are choosing to debate over the next several days, if, in fact, the debate goes on, are ones that in the final analysis are nothing more than really message proposals. If we are highly divided over which one to bring up, what is the message, in effect, if we cannot even decide which vehicles we want to choose to discuss?

Regarding the surge itself and regarding the Warner-Levin or Levin-Warner proposal, I have some problems with the language of that proposal. It essentially abdicates the power of the purse. It calls for selective diplomacy in the region instead of engaging all of Iraq's neighbors. The language opposing the surge is weak to the point of being nonexistent. And there is language that suggests that nothing in this resolution ought to imply a call for redeployment—something I wholeheartedly believe we should be pursuing in a phased manner.

But those are my concerns about it, both in terms of the process and the language under consideration. I realize other Members do not have those problems. I respect that. But those are my concerns.

Now, regarding the surge itself, again this has been stated by others who have examined this proposal in great detail, including our senior military people and senior diplomats. As I said a moment ago, in testimony before the Senate Foreign Relations Committee, they have spoken eloquently about their concerns that this proposal does nothing but contribute to the chaos that reins in Iraq.

There are some 6 million people who live in the city of Baghdad. To suggest we are going to send 17,000 or 18,000 service men and women into a city of 6 million, where there are at least 23 militias along with insurgents, Baathists, hardened criminals, and possibly some al-Qaida elements, and that we are going to sort this out in a way that is going to move us toward a political settlement in the country is I believe, frankly, beyond dreaming. I do not think it has any viability whatsoever. In fact, I think it contributes to a further escalation of the conflict in the country and delays even further what everyone agrees must occur: some sort of political accommodation between Shias and Sunnis and Kurds—between Shias and Shias, for that matter. The idea that placing our troops as a referee in the middle of this civil conflict is going to get us closer to that result, I think, has been successfully argued against by those whom we respect and admire in these debates.

Secondly, may I say that, in fact, if you are trying to encourage those elements to get together and you are also trying to encourage regional diplo-

macy to play a role here, then it seems to me we ought to be talking about how best we can achieve that. When you have an administration that refuses to even engage in any kind of conversation or negotiations with governments in the region with which we have serious disagreements, then I think we get even further away from the suggestions made by the Baker-Hamilton study group on Iraq that proposed what I thought were very commonsense, sober, and sound recommendations that would allow us to have a greater likelihood of achieving the success we ought to be pursuing. I see little likelihood of that occurring if, in fact, we are talking about a further military escalation of the conflict here. Every single person who has looked at the situation in Iraq has drawn the following conclusion: There is no military solution—no military solution—in Iraq. So continuing to pursue that option, continuing to pursue that particular goal in the face of all the evidence to the contrary, I believe is a major, major mistake for this country.

I think this body—the Senate—ought to be on record expressing its opinion about it and that we ought to go forward in a meaningful, real, accountable way. Unfortunately, that is not likely to happen. In fact, we may end this debate without voting on anything at all regarding Iraq, as we need to move on to other items that the leadership clearly must address in the coming weeks. So we are missing an opportunity, other than to express our views, which most people have done. I know of no Member in this Chamber who has not spoken out publicly about whether they think the surge is the right direction to go in, what alternatives they would offer in terms of how we might begin to talk about redeployment, and the need for the Iraqis to assume responsibility for their own country.

The American people have also publicly spoken out. They voted for a change of course in Iraq last November and according to recent polls, a majority of Americans oppose a surge. Now I do not believe polling data ought to be the way you conduct foreign policy, but the fact is that the American public is exhausted and fed up, to put it mildly, with our Iraq policy. And let's consider the following data out of Iraq: Over 80 percent of the people in that country believe that our continued presence in that country contributes to the chaos they are facing, and over 60 percent of Iraqis believe it is appropriate to attack American service men and women. Over 60 percent of the people in Iraq believe that.

How do you justify supporting an escalation, a surge in our military presence, when the very people whom we are told we are trying to help in this case believe that, one, we contribute to the chaos, and only a slightly smaller number believe it is appropriate to attack our service men and women? For the life of me, I do not understand how

an American President could possibly support a policy that takes us further down that road.

Now we are not just talking about only two options here of escalating or leaving. There are policies that come in far between these two. For example, there have been suggestions about redeployment, with our service men and women filling other roles like training the Iraqi military, which was suggested by Baker-Hamilton. I think we should do this. We could engage in counterterrorism activities. Border security; we could play a very meaningful role in that as well. So there are those of us here who believe we ought to be redeploying, bring down those numbers, but none of us whom I know of have suggested we ought to be just packing our bags over the next 6 months and leaving Iraq. We are talking about other roles we can perform, as the 300,000 Iraqi soldiers and police take over the responsibility of their country.

Madam President, I am telling you as I stand before you today, if we continue to provide the kind of level of support militarily we are engaging in, there is less and less likelihood that the Iraqis are going to assume the responsibility, both politically and militarily, to take over leadership of their country.

For those reasons, I urge that we find a means and a vehicle, sooner rather than later, for this body—the Senate, this coequal branch of Government—to say to the administration and to others: We believe in a different direction. We would like a new authorization. We would like debate on a meaningful proposal that would allow us to be accounted for, yes or no, as to whether you want to move forward.

Again, with all due respect to those who crafted this, I have no greater admiration for any two Members than I do for CARL LEVIN and JOHN WARNER, people I have served with here for many years. I respect immensely the effort they have engaged in here to try to build a proposal that would attract a substantial majority of our colleagues to support. If you could do that, then sense-of-the-Senate resolutions have value. But I rest my case on what is occurring at the very moment I stand before you this afternoon. We are divided here. We have some four or five different resolutions. All of them are sense-of-the-Senate resolutions. None of them have any meaning in law at all. And we cannot seem to come around a single debate. We ought to be having one about whether we believe our resources and our young men's and women's lives ought to be placed in harm's way. That is the debate which ought to be occurring here. It is not occurring yet. I think that is unfortunate. It is tragic. My hope is we will find a means to address that in short order.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Massachusetts.



Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for such time as I consume.

The PRESIDING OFFICER. The Senator was allotted 15 minutes. Does the Senator seek UC for more time?

Mr. KERRY. Well, I ask that, yes.

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

Mr. KERRY. I probably will not use more time, but at least I am protected. I thank the Chair.

Mr. President, I listened carefully to the comments of my colleague, the Senator from Connecticut. I appreciate the frustration he expressed about what has gone on in the last hours here and the difficulty of presenting to the country a Senate that appears unable to make up its mind about what resolution we ought to vote on.

The fact is, the last 24 hours in the Senate have not been a profile in courage; they have been a profile in politics. Rather than protect the troops, our colleagues on the other side of the aisle have decided to try to do what they can to protect the President. I think they have made an enormous mistake.

The fact is, if we voted on the Warner resolution, those who support the mission, the escalation—but the mission, as the Senator from Arizona said—have a chance to vote no, and those who believe the escalation is a mistake have an opportunity to vote yes. It just does not get any clearer than that.

No matter what happens with all this argument about the process of one resolution versus another resolution, the bottom line is that people who on Sunday shows and in hearings stand up and say they oppose the escalation were, yesterday, unwilling to allow the Senate to vote on that. They were unwilling to have a vote of conscience on the question of the direction of this war.

So rather than protect the troops, those troops who are about to be sent into a mission that, in fact, does not resolve the issue of Iraq—and perhaps even makes it far more dangerous, certainly more dangerous for those troops being asked to perform it—are not protected by the Senate, making its best effort here to try to make a vote that disagrees with the President.

The Senator from Arizona was down here a few minutes ago asking the question of the majority leader: If you do not support the troops' mission, then aren't you, by definition—if you vote as we would like to vote here—not supporting the troops? That is just an extraordinary leap of logic which has no basis whatsoever in real reasoning.

The Senator from Arizona himself has criticized the policies of this administration time and again—in fact, not enough. But time and again, he has said Mr. Rumsfeld was wrong or he did not have confidence in him or this and that. Was that a criticism of the troops? Was that not supporting the troops? I am absolutely confident the answer is no. I know, and we all know, the Senator from Arizona supports the

troops, but he has been able to draw a distinction between criticizing the policy and support for the troops. I will tell you, the best way you support the troops, you support the troops by getting the policy right.

Right now, all over the Hill here in Washington, there are veterans of the Iraq war who are going around and talking to Congressmen and Senators and the public, advocating that this mission in Iraq ought to change, that we ought to begin a process of terminating our involvement there. They have a very different view of their own service than that which is expressed by some on the other side of the aisle. The fact is, there is a growing sentiment among many of those being asked to do this very difficult job that the missions they are being sent on don't, in fact, always make sense.

I remember—and I know the Senator from Arizona remembers—what it is like to be a troop in a war. I remember being on a river in Vietnam when the Secretary of Defense was flying over us on one of his visits to take a look at what was going on. Every single one of us said to each other: Boy, wouldn't it be great if he came down here and talked to us and found out what we really think is going on. We would have loved the policy to change. The fact is that more and more of the veterans I have talked to who are returning from Iraq and some, regrettably, as Senator DODD and I noticed a few days ago, whom we met over there who have not returned alive, are against what is happening and believe there is a better way to manage this war.

What we are trying to do is have a vote, albeit on a nonbinding resolution, a vote that expresses the view of the Senate with respect to this war. We have a moral obligation to make that statement in the Senate. It is our duty to have that vote. The soldiers in Iraq are performing their duty. Why aren't the Senators in the Senate performing theirs? Is it their duty to obstruct? Is it their duty to protect the President, to prevent a vote? Even though they go out publicly and talk about their opposition to the war, their opposition to the escalation, their belief that the direction is wrong, we are not supposed to vote in the Senate on the question of whether you support the troops or don't support the troops by sending an additional 21,000 troops over there. Now is the time for the Senate to register its opposition to the escalation.

If you pursue the logic of the other side of the aisle when they say: Well, we can't have a vote here, we shouldn't express anything, we shouldn't try to change anything, then we are complicit in the very process with which we disagree. If lives are lost subsequent to our unwillingness to stand up and vote, do we bear any responsibility for the loss of those lives? Do you go home and say to yourself at night, to your wife or your children: Do you know I did everything possible to try to stop what is happening? When you make the next

phone call to a mother or father or wife in your State and express your sorrow for their loss in the next days ahead, will you also be able to say, with a clear conscience, that you did your best to try to prevent that loss, to set this war on its proper course? I don't think so. I don't think anybody, with a clear conscience, can say that.

I hate the fact that we are reduced to having a vote on something that isn't at this moment going to change the direction. But every step is incremental; every step is a building block. Every step helps to build the change of opinion we need to achieve in this country, where people will understand the way you best define patriotism and the way you best defend the interests of our troops on the ground in Iraq. Surely, we haven't reached a point in the Senate where you can't even have a debate on the most important life-and-death issue facing people in this country. What are we supposed to do? Pack up and go home and let the President continue to make a mistake? Are we supposed to be somehow satisfied that the President has earned the right and the new Secretary of Defense? Who knows yet; the decision is out. But the record of the last 5 years, 6 years is one of mistake after mistake after mistake after mistake, one after the other, from the planning to the numbers of troops, to what you do afterwards, to how you preserve the peace, to what kind of politics we are going to pursue.

So we are doing what we can, within our limited power, with 60-vote restrictions, to register our disapproval to sending an additional number of troops, which has been told to the American people is 21,000 but which, in fact, is over 40,000 when you finish with the support troops who are necessary. These troops deserve a policy that is worthy of their sacrifice. No Senator that I know of is not committed to success. We would like to be successful. But what is the definition of success now?

We have heard month after month from Ambassador Khalilzad. General Casey, over 7 months ago, said this is the last 6 months for Iraq. They have a fundamental 6-month period within which they have to get their act together, and if they don't, serious problems.

That time came and passed. What happened? We hear another promise of the next few months. We have had months and even years now of these promises about how this is a moment of turning the corner. This is the critical moment for Iraq. This is the moment of the difference. Everybody has known for the whole last year or more that you have to resolve the oil revenues issue. As I stand on the floor tonight, the oil revenues issue is not resolved. They say they are making progress, they are getting closer, but it isn't resolved.

The fundamental question of federalism, the role between the Shia and

the Sunni and a strong Baghdad and a strong central government is unresolved. That is a fundamental part of the struggle. Our troops, with their technology, with their great weapons, with their unbelievable willingness to sacrifice and their courage, they can't resolve that issue. Iraqi politicians have to resolve that issue. Right now, as we are debating or not debating this issue, Iraqi politicians are still jockeying for power at the expense of our young men and women. I object to that. I get angry that we have to have a private fundraising effort to put together a rehab for our soldiers—thank God for the people who did it—in order to take care of those who are going to be wounded. And our people are talking about patriotism and supporting the troops? We have lost all contact with what is reasonable or what is real in this effort.

It is unacceptable that any young American ought to be giving their life or going through the sacrifice for Iraqi politicians who refuse to compromise, for a legislature that refuses to even meet. Less than 50 percent of them can be convened, a Parliament that doesn't meet, that is the democracy we are supposedly fighting for—Shia and Sunni politicians who are jockeying amongst each other, creating their own militias, each of them playing for a future with a U.S. security blanket lying over it, preventing the full explosion of the kind of sectarian violence that would flow, if all were left to their own devices. That is the one thing our presence is doing. There is a stopgap. It does prevent absolute chaos, but it is creating a slow, cancerous, insidious kind of chaos that is building on itself.

A couple of days ago, the largest number of civilians were killed by a bomb, by one single suicide bomb. It gets worse by the day because the fundamental issues of difference between people who have always lived there and will live there after we are gone are not resolved.

If you stand back from this and look at it and ask, as any reasonable American would ask: What do you do to resolve this, what do you do to make a difference in Iraq, I don't think any American is going to come to the conclusion that a soldier with a gun is going to make that difference. General Casey has told us he doesn't believe it will make the difference. General Abizaid said he didn't think it would make a difference. The President has even said there is no military solution. So if there is indeed no military solution, my question to this administration is: Where is the robust diplomacy and the robust political jawboning, arm twisting that is necessary to get a solution? Where is it? It is invisible to the average American.

If we don't get serious about that diplomacy, if we don't have a summit that some of us have been calling for for 3 years, and that is ultimately the only way to resolve these differences, then our soldiers are being sacrificed

and being asked to sacrifice each day without a reasonable policy that is guiding this war.

What are we left to do? Are we left to say that our colleagues can stop a vote? We are going to walk away, and we are not going to try to do what we can to change this or to stop it? I don't think so. That is not the Senate that I came to serve in or I think most of our colleagues came to serve in. This is a silly sort of process that is going back and forth.

If you are opposed to the escalation, you ought to have a right to vote on it. If you are for it, you will have the right to vote for it. Go register your vote and then go out to the country. The troops over there are tougher than anybody in this room. They understand what their mission is. And what we do, ultimately, barring the effort to either cut off the funds or force the President to do something with 60 votes that we don't yet have, is not going to change their dedication or their courage or their commitment to the specific mission. Because that is the kind of troops we have.

But while we are talking about the kind of troops we have, let me ask a question: Our troops, most of them, go through basic training. They go through a specialized school. They train with their brigade unit company for a while. Then they are sent over. Most of our troops are ready to go to battle, and some of them do, new recruits, within 7 months, 9 months. We are now at the 3-year mark, 4-year mark on training of 300,000 troops in Iraq. What I hear from the experts is the problem with them is not training. The problem is motivation. How much training do you think the terrorists get? How much training do you think the guys get who have those machine-guns and go out? Where is their training camp? Where are their barracks? Where is their 9-week basic training or 12 weeks? Most of those people are out there in a matter of days and hours because they are motivated.

Right now in the streets of the West Bank and the streets of Lebanon and in the streets of Iraq, the guys we are struggling against are getting up earlier, staying up later, and they have more motivation. And the guys we are supporting and putting forth money and guns and all the technology and all the training in the world are not motivated. Many of them don't show up. So unless we deal with this issue of motivation, of people who are willing to die for their country and people who are willing to go out and put their lives on the line and a group of politicians who are willing to make the decisions necessary to resolve this, this is going to go on and on and on, and it is not going to end well.

Everybody knows what the public assessment is on the latest NIE. People are learning privately what it is. The fact is, these are difficult times over there. This is not getting better. It is getting worse. Twenty-one thousand

troops are not going to change that. An escalation is not going to change that. More troops on the ground raises the stakes. More troops on the ground provides more targets. More troops on the ground raises the stakes in a way that says, because we heard it from the administration: Boy, this is kind of our last-ditch stand. And if we don't make this work, we don't know what is going to happen. What a wonderful message to send to the other side.

We are being accused of sending bad messages. If you raise the stakes like that but create a mission and actually can't necessarily achieve it, you are preordaining the potential of even worse consequences because you will make the negotiation even harder. You will make it harder for the surrounding countries to say: This is sensible, we ought to get involved now. And you will make it harder for the people there to make the compromises necessary because they know that down the road is this confrontation with reality with an administration that has already said: We don't have a plan beyond this.

What a predicament. That just defies common sense. So we have made matters worse. We will raise the stakes, but we don't have a way to deal with it. A wing and a prayer. This is a "Hail Mary" pass by this administration, with no guarantee. I think our troops deserve some guarantees of an outcome.

The best guarantee I can think of is to redeploy them in a way that puts more emphasis on what the Iraqis need to do. It doesn't mean leaving Iraq completely. There are plenty of over-the-horizon strategies, such as in the desert deployments, a capacity to be there for emergency assistance, to tamp down chaos and go after al-Qaida, an ability to remain in a truly supportive training role without having our troops on the front line of a civil war. But those are not the ones they are putting on the table, and that is not what we hear them talk about.

We hear these two dramatic things: We have to go down this road where we have telegraphed our move and raise the stakes, and saying they are talking about complete withdrawal. No, they are not. Most are talking about how to achieve success in a responsible way which honors the sacrifice of our troops and meets the important national security needs of the United States of America.

The only way I know of to do that is to get to the diplomatic table; bring our neighbors into a new dynamic where they begin to have credibility; get Syria and others through the Arab League, the U.N. Perm 5, and begin a process of legitimate diplomacy, such as we have read about in the history books of our Nation for years. The great diplomats of our country are aghast at what we are doing now. Listen to any number of them privately, some who served in the administration of George Herbert Walker Bush, the 41st President—Secretaries of State,

such as Jim Baker. Jim Baker is a model in how to build a true coalition. It took him 15 trips to Syria before. On the 15th trip, he finally got President Assad to agree to support what we were engaged in. I am not sure the current Secretary of State has made 15 trips in the last 5 years. I cannot tell you the exact number, but I don't think it is 15 in the years she has been in office, let alone the prior Secretary of State.

Mr. President, we have to get serious about what we are going to do. The fact is, there are over 3,000 young Americans who have now died. I think four were reported in the newspapers yesterday. There will be more tomorrow and the next day. The fact that we are losing young Americans is not a reason to say we should leave. But it is a reason to say we should get the policy right. It is a reason to say we owe them a strategy that supports the sacrifice they are making. We ought to be able to do better than what we are doing now, Mr. President.

So this is really pretty simple. The Iraqi Study Group put forward some 79 recommendations. They have all been cast aside. This was a moment where the President could have brought Democrats to the table, all of us. We could have sat down and come together around, OK, let's put all these recommendations together. These will work, and we are willing to support these. Let's go out jointly and see if we can leverage the full power of the Senate and the Congress and the country behind the kind of strategy we need in the Middle East in order to protect these real interests, which range from Israel, to containing Iran, dealing with the protection of the gulf states, to Lebanon, the fledgling democracy, and obviously to stability in Iraq. We all understand that, not to mention oil and the economy and the other interests that we have. Those are real.

But I respectfully submit that the current policy we are on is recklessly putting those very interests at greater risk. And the measurement of that statement is in the fact that Iran is actually more powerful today as a consequence of what we are doing. Iran loves the fact that we are bogged down in Iraq because it makes it far more difficult for us to play a legitimate card in order to deal with their nuclear ambitions. There is nobody in the world who doubts that. Lebanon is more in jeopardy today, with Hezbollah and Nasrallah in greater positions of threat to the Government and the Prime Minister. Hamas has been in an ascendancy in the last months, and we have been unable to move forward with a legitimate entity with which to be able to ultimately make peace. All these things are worse off today than a year ago, than 2 years ago, and worse off than 6 years ago.

If they are worse off, how do you stand there and say this is a good policy, that we ought to keep doing what we are doing, digging a deeper hole, and making it worse? I was over in the

Middle East a month ago. I met with leaders of the region. I can tell you that while, yes, they say they don't want a precipitous departure and a crazy consequence of chaos as a result, they also do want the United States to play a sensible, constructive, and legitimate role in resolving the fundamental issues of the region.

So I think a lot of us have had enough of hearing these phony debates about who supports the troops. We all support the troops. This is the best trained military that many of us have ever seen. They are doing an amazing job under difficult circumstances. Again and again, I say that they deserve the support of a Congress that gets this policy right and that fights for them while they are over there and guarantees that when they come home, they don't have to fight for themselves to have the promises that were made to them kept. That is what this is about.

I think we can have a very simple vote. If you are for the escalation and you think it is the right policy, vote no against the resolution. If you are against the policy of escalation and you think it is the wrong policy and you want to be counted, then you ought to vote aye for the resolution. That is a vote we can have tonight, tomorrow, or any time. Most people here know where they stand, but they are unwilling to show the American people and unwilling to hold this President accountable. Shame on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I thank my colleague from Missouri for being so understanding. I will make my comments quite brief.

The entire success of the President's plan of escalation is predicated on the fact that the Iraqi Army is, in fact, reliable. Therefore, in every one of our hearings in our committees—be it the Armed Services Committee, be it the Senate Foreign Relations Committee, be it the Senate Intelligence Committee—I have asked that question of the various witnesses, most of whom are representatives of the administration or representatives of our U.S. military. Up to this moment, not one of the administration witnesses can tell us that the Iraqi Army is, in fact, reliable in a plan that is essential that they are, which is to clear the area, hold the area, and then rebuild the infrastructure. In the clear phase, it is not only the Iraqi Army and the U.S. military—by the way, not in a single unified command but in dual commands of which the Iraqi Army will be the most force in personnel—and I have heard that 60/40 is the ratio; maybe it is more than that—60 percent Iraqi Army and 40 percent U.S. Therefore, it is essential that the Iraqi Army is reliable.

Yet every witness has not been able to tell us that, including up to today's witness, the Secretary of Defense, Secretary Gates, who I think is doing an excellent job. But when I laid this out

to him in front of our committee—in this case, the Senate Armed Services Committee—today, his answer was, as of this morning, that we have to wait and see.

Well, I am just a little country lawyer, but doesn't it seem logical that if the President's whole plan is predicated on the reliability of the Iraqi Army, and at this moment we still have to wait and see on the reliability of the Iraqi Army, then is that reason for us to escalate our troops in Baghdad out of 21,000, with some 17,500 going into Baghdad, on a plan that we do not know is going to work?

It is on that basis that this Senator from Florida opposes this troop increase. I have said on this floor several times that the Marine generals in the west of Iraq, in Anbar Province, convinced me that an escalation of troops there would help them, since that is all Sunni, and since the main enemy there is al-Qaida. But that is western Iraq; that is not Baghdad where the sectarian violence is.

Mr. President, I will just conclude my remarks by saying that I think it is our only hope of stabilizing Iraq, that it depends on three successful initiatives: No. 1, an aggressive diplomatic effort led by the U.S. with Iraq and its neighbors to quickly find a political settlement between Iraq's warring factions; two, Iraqis taking responsibility for providing for their own security; three, a massive and effective international reconstruction program.

With regard to the first of these initiatives, an intense diplomatic effort aimed at helping Iraq with a political settlement has been discussed many times by most of our Senators. This Senator believes it must include sufficient autonomy for Iraq's various regions and communities but a stake for all in the central government; an oil revenue sharing law; a reversal of deBaathification—partial reversal—and a revised constitutional amendment process.

The lack of a major diplomatic effort to build an international coalition to support a political settlement is truly baffling. Iraq is in a full-blown crisis.

So we need at least one, if not several, high-level special envoys empowered by the President and endorsed by congressional leadership. Working together, they need to be on the ground every day, throughout the Middle East, in Europe and Asia, and at the United Nations.

The goal should be—within a month—to assemble an international conference at which all of Iraq's neighbors and other key nations would endorse the framework of a political settlement.

It became painfully evident to me during my last trip to Iraq that Prime Minister al-Maliki either lacks the will or the nerve to take on the Shiite militias on whose backing he depends for power. For example, his rushed execution of Saddam Hussein—certainly justified, but horribly carried out—spoke

volumes about his insensitivity to the concerns of the Sunnis.

Initiative No. 2: As for Iraqis taking responsibility for their own security, this will only take place if U.S. troops begin to pull back from the primary combat role they now play and shift to an advisory capacity.

Where are those words ringing familiar, Mr. President? From the Iraq study commission, Jim Baker and Lee Hamilton's commission. They offered this recommendation.

Rather than increasing our forces in Iraq, as the President has proposed, we should be transitioning the troops to training and advising Iraqi troops, training and advising antiterrorism missions and border security.

Finally, the third initiative: The massive reconstruction effort requires a reconstruction czar, a person of the highest integrity who will cut through the redtape, demand our agencies produce the results working together and deliver construction assistance quickly and directly to Iraqi communities.

Concurrently, this official should convene a donors conference to elicit pledges of assistance from our international partners and to hold them accountable for delivering this aid quickly.

In short and in summary, the cost of failure in Iraq will be catastrophic in growing threats to us and to our allies and in more American and Iraqi lives lost if we do not awaken to the reality that diplomacy, not a military solution, is what is needed to end the sectarian violence in Iraq.

I wish to paraphrase what the President of the United States, when I was a student in college, President Kennedy, said in 1961: We must always be ready and willing to bear arms to defend our freedoms, but as long as we know what comprises our vital interest or our long-range goals, we have nothing to fear from diplomacy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I spoke briefly this morning about the need to have votes on the Republican resolutions—the Republican Gregg resolution and the bipartisan Lieberman-McCain resolution. It is very important we give the opportunity for this body to go on record saying, No. 1, they do support and will not cut off funding for our troops in Iraq. That needs to be said in the Gregg resolution.

It is unusual and very unfortunate that at this time, when we are actually at war, we are considering resolutions which would say: Well, we don't support sending more troops over. We are actually sending troops over, and there are some who want to say: Well, we don't support the mission; good luck, guys and gals; you are going over, but we don't support what you are doing.

We owe them more than that. We owe them what used to be the baseline in our discussions. Unfortunately, in time

of war, we can debate and we should debate. However, the Levin-Warner resolution, the only resolution at this point the majority would let us vote on, sends a wrong message to the insurgents, militia, and, obviously, to our troops.

This is a very serious and difficult situation in Iraq, no question about it. We got the national intelligence estimate, and it says these are tough times. But—and I agree with my colleague from Florida—we cannot afford to fail.

During General Petraeus's testimony before the Armed Services Committee last week, he chillingly described the typical Iraqi terrorist as “determined, adaptable, barbaric” and that “he will try to wait us out.”

And now we are considering a resolution signaling to this enemy that this body doesn't think the terrorists will have to wait too long. By capping the troop strength, this resolution limits the very leaders this body confirmed as fit to lead and determine strategies and levels of troops.

The proponents of the resolution to limit troop strength must now believe that sitting here 8,000 miles away, this body is more equipped than our military leaders to say what our force structure should be in Iraq. That is unacceptable; it is totally unacceptable.

The question has been raised: Will this plan work? There are lots of challenges. It is a challenging situation. The intelligence community, in its National Intelligence Estimate, says there are many difficult factors; it is a complex situation. But they said this is the best we can hope to do. This is our best effort to make sure something comes out that provides a stable Iraq, one that will not be a haven for terrorist groups such as al-Qaida to operate.

The intelligence community was also very forthright, both in the NIE that we received last week and in testimony several weeks earlier in an open hearing of the Intelligence Committee. They said if we cut and run, Iraq would descend into chaos, giving the terrorist groups, such as al-Qaida and probably the Shia terrorist groups, the chance to operate freely in that country. It would lead to slaughter of more and more Iraqis—innocent Iraqis—and it would likely involve the entire region.

It is clear that cutting and running should not be an option. There may be some people who would vote to cut off funding. We ought to let them have a chance at least to say we want to end it now, not we want to tinker with the military strategy so perhaps we can gain some political points at home.

I have heard it said that some of the people who are supporting the Levin-Warner resolution think we should be following the guidelines of the Iraq Study Group. I had the opportunity on Sunday to ask Jim Baker is this military plan the military plan you have supported? He said: Yes, it is.

Others have said we need a new strategy, and I agree. I agree we shouldn't

have gone forward with deBaathification and disbanding the Iraqi Army. That mistake is behind us. But we need a new strategy that can lead us to victory in Iraq.

It seems to me the place where we want to be is getting the Iraqi Government, al-Maliki and his Sunni and Kurdish counterparts in the Government, to take responsibility and say we are going to establish stability, we are going to end the insurgency. To do that, they have said: We need the support of American troops, not to be on the frontlines—and I agree with those who said we want to move the Iraqis out front when they are stopping the Shia and Sunni violence; that is where they should be. We still have a role, and we can play a very important role in helping to take out the al-Qaida leadership and the other organized international radical Islamist terrorists, whether they be Shia or Sunni, and we can do that. That is part of what the troop surge will do. But we need to have them take over, and we need to train them.

The intelligence community said the police are not ready to take over now. We have found that when we embed American troops, provide American troops in smaller numbers but with Iraqis, they function better. We can help show them how to win, and that is a plan I think we ought to pursue because what is the cost if we lose? Iraq is the center point in the war on terror. And unfortunately, we have no better source than Osama bin Laden, who says:

I now address my speech to the whole of the Islamic Nation: Listen and understand. The issue is big and the misfortune is momentous. The most important and serious issue today for the whole world is this Third World War, which the Crusader-Zionist coalition began against the Islamic Nation. It is raging in the land of the two rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate.

That is what he calls Baghdad, “the capital of the caliphate.” There are similar transmissions by Ayman al-Zawahiri, who said: “We must have Iraq as our caliphate.” So we have to wait. We have to make sure we stabilize the area.

It seems to me this is absolutely the best plan than fiddling around and adopting a resolution that says, no, we don't need 21,000 more troops. Some of the same people who said earlier this year and last year that we need more troops now are saying no, no, 21,000 more troops is not necessary. Whom are we going to believe, someone standing on the floor of the Senate or the commanding general who has responsibility for making sure that our troops accomplish their mission and they are safe? If he says we need those troops, I wish to vote for a resolution that says we need those troops. I wish to vote for a resolution that says we shouldn't cut off funding; we need to support our troops when they are in the field.

What is at stake in this resolution deserves a commitment that goes far

beyond what the political pundits and political operatives pontificate in Washington. I don't say all the people supporting this resolution have a desire to undercut our troops, to send the wrong message to our allies in the region or to encourage al-Qaida and Jaysh al-Mahdi. But, unfortunately, that is what this resolution can do.

I had the honor today of talking with the head of the intelligence agency of one of our allies in the region. I said: What message would it send to your country if we adopt a resolution saying the President can't send over more troops? He said: That would be very bad because we want to see peace and stability survive in Iraq. It is vitally important to the entire region, and we are prepared to help the coalition make sure stability is achieved. We want to make sure Iran doesn't take over that country, that chaos doesn't ensue, and we—and he was speaking for several of the countries in the region—we want to provide aid to help rebuild the economy so there will be a stable economy because a stable economy is one of the best ways to convince people they don't need to get 25 bucks from setting out an improvised explosive device along the roadside.

So we would be sending a bad message to our allies, and we would be sending a message of great hope to the people of al-Qaida.

That is not what we ought to be doing, Mr. President. What is at stake deserves a commitment that goes far beyond the political pundits. Those who call for an end to the war don't want to talk about the fact that the war in Iraq will not end but, in fact, will only grow more dangerous if we leave with that country in chaos.

So as we debate these resolutions, Congress's role in the Iraq policy is clear: Either Congress needs to exercise its constitutional powers of the purse and cut funding for the operations of the troops, which is madness, or get behind them. We shouldn't confirm General Petraeus and then say: Oh, but we don't support your plan. So if we are not using our power of the purse to cut off funds and force a hasty withdrawal, what are we doing? Are we telling 21,000 brave men and women who will be going to Iraq that we are uncomfortable with the dangerous mission you are about to undertake but not offering any alternative? I am sure our troops would find that encouraging.

Simply put, this may be a situation where there are good politics, but these good politics equal bad policy. Politics are trumping good policy.

A headline in today's Roll Call reads: "Democrats to Launch PR Blitz on Iraq Vote."

... Senate Democrats are launching a national public relations campaign aimed at tying GOP moderates and incumbents facing difficult 2008 re-election races to Bush in the public's mind, Democratic leadership aides said Monday.

Is that what this is all about? Is that the politics? I think that is a very sad message.

What is at stake is so much bigger than politics, bigger than the 2008 election, and it is a real disservice to our troops to see our national security become a political election gamble.

I previously entered into the RECORD an article about 12 days ago by Robert Kagan, senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund. He wrote a piece saying it is a grand delusion if we think we can walk away from Iraq and not solve it. He went on to say:

Democratic and Republican Members of Congress are looking for a different kind of political solution: the solution to their problems in presidential primaries and elections almost 2 years off.

This is coming, as he indicates in his article, just as American soldiers are finally beginning the hard job of establishing a measure of peace, security, and order in critical sections of Baghdad.

He goes on to say:

They have launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia.

And, finally, he concludes, and it is fitting advice for this body:

Politicians in both parties should realize that success in this mission is in their interest, as well as the Nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect.

Mr. President, I hope we will vote on resolutions that do that.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, you have just heard an extraordinary speech, and I want to put it in perspective, if I may.

There was a Foreign Relations Committee meeting several weeks ago at which one of the Senators insinuated that the Secretary of State didn't understand this war because she didn't have enough of a personal interest. Well, we thought that was an unfair question because this is a woman who is spending 24 hours a day, 7 days a week, trying to do the right thing for our country, and that was considered a personal thing that was out of line.

We have just now heard a U.S. Senator make a speech that was a wonderful, principled speech on the merits of what he is going to support in this war effort, the resolution that will come before us, and he never mentioned that he had a personal interest. So I want to mention it. I want to mention Sam Bond.

Sam Bond is a Princeton graduate. He is the light of Senator KIT BOND's life. He is his only child, his only son. Sam Bond has been a star from the day he was born, and we have all heard about it. Sam Bond graduated from Princeton University, and he didn't get a job on Wall Street to then sign up to go to business school. No, Sam Bond signed up for the Marine Corps.

Sam Bond has spent 1 year in Iraq already, in Fallujah, and he is going back in 1 month. Sam Bond is going back to Iraq in 1 month, and we just heard the Senator from Missouri not even mention his only son because he is talking about what is right for our country. He believes that Sam Bond's future depends on our doing the right thing in Iraq. So I applaud Senator BOND, and I applaud Sam Bond.

I want to talk about the resolution that we are going to vote on at some point. First, I think Senator BOND is correct; that we ought to have the right to vote on at least two resolutions, not just one that is unamendable. This is, as we have been reminded time and time and time again, the most important issue raging in our country and maybe the world today. So I think having two resolutions, or one amendable resolution, is a legitimate request because there are legitimate differences of opinion. There are legitimate debatable issues that I think the Senate is capable of putting forth for our country, representing the division in our country on this important issue.

Some people say we should never have gone into Iraq. In hindsight, it is an easy thing to say. Let's remember what we were looking at as Senators, and let's look at what the President was looking at as the Commander in Chief of this Nation, whose responsibility it is to protect the people of this country. The buck stopped on the President's desk.

I don't agree with everything the President has done. Not one person on the Senate floor agrees with everything the President has done. But I will tell you this: no one—no one—can ever say this President isn't committed to one thing, paramount in all of his responsibilities, and that is to protect the people of the United States. He is doing what he thinks is best to protect our children and freedom for our way of life.

When he went into Iraq, many people questioned whether it was the appropriate thing to do. I did myself. But the President had just been through 9/11, where we saw airplanes used as weapons of mass destruction that killed thousands of Americans and people working in New York City. So he said, to look at it from his view: I can't afford to take a chance that a weapon of mass destruction would hit America again, only this time it would be a chemical or a biological weapon.

I believe that is what the President was thinking. He knew that Saddam Hussein had chemical weapons, had used them on his own people and had kicked the weapons inspectors out in 1998. He had kicked the weapons inspectors out. Why would he have done that, was the thinking, if he didn't have something to hide?

Then there were the intelligence reports. There were the intelligence reports that we saw and there were the intelligence reports that the President

received which were at a much higher level than even we were able to get. All of that pointed to Saddam Hussein having weapons of mass destruction and the capability to deliver them. So it is a legitimate debate to ask why are we there, but it is not the debate we ought to be having today.

The debate we ought to be having today is what should we do to have success in Iraq because success in Iraq and Afghanistan is a part of the war on terror.

After 9/11, we didn't treat what happened as a criminal act. In 1993, after the first World Trade Center bombing, that is what America did. We treated it as a criminal act. America didn't know this was the beginning of a war on terror. Then there was Khobar Towers, attacked in Saudi Arabia, and 19 American soldiers killed. We treated it as a criminal act. There was the bombing of our embassies, and then there was the USS *Cole*. We treated those as criminal acts. But America woke up on 9/11/2001 and realized, finally, 10 years after the war had started, that America and our way of life was under attack. This was not a crime, it was the continuation of a war.

So we are there now. We are not succeeding. Success would be a stabilized Iraq, an Iraq where people can go to the market in security and buy food or necessities and visit and have coffee on the street. That is what success in Iraq will be. Success in Iraq will be when they have self-governance. Success in Iraq will be when there are not security forces that kill people of a different sect. Success in Iraq will be when they are a stable neighbor in the Middle East and terrorists will not be able to get a foothold.

We are not succeeding yet. How can we do better? We should be debating how we can do better to succeed. If victory is not the end result, we will have failed our children and grandchildren. So I ask, what could possibly be the purpose of passing a resolution in what has been considered the world's most deliberative body that would send General Petraeus to take charge of Baghdad and a new strategy and say, General Petraeus, we have faith in you but not the mission? That is not the right resolution to pass in this Senate.

I hope we can debate that resolution, and I hope we can debate against those who would send a signal to our troops that we don't have faith in the possibility of success in their mission. I want to debate a resolution that would say we are not going to send any more troops, and even if we need troop protection we are not going to send those troops because Congress is going to take the place of the Commander in Chief and the generals on the ground.

I want to debate a resolution that would cut off funding for our troops in the field. I would like to debate what would happen to our troops who are there now if a signal were sent that we were not going to give them the support they needed to do the job they have right now.

I very much hope that we will be able to take up the Levin-Warner resolution, and I hope we will be able to take up an alternative which will not have amendments because those are not in order. But we must have the ability to exercise a voice that would go in a different direction, that would set benchmarks for what the Iraqi Government must do if they want America to stay and help them become strong and stable and free.

I want to be able to debate also the McCain-Lieberman resolution because I think there will be a clear choice. And I hope that we have the opportunity to bring that out to the American people because there are consequences of setting a timetable and trying to have some kind of graceful exit strategy that basically says this is too tough for America, we just can't take it and, therefore, we are going to walk away.

How about keeping our commitments, so that our allies and our enemies will know, when they are partners with America or enemies of America, we will stick through thick and thin, arm in arm with our allies and be formidable against our enemies? How about having a strategy that says we have not succeeded in the way this has gone, so here is a different approach? We expect the Iraqis to stand up now. We are going to help you, but you must lead. You must meet certain benchmarks if you are going to keep us helping you help yourselves.

We want the Iraqi people to succeed because we don't want terrorists to takeover Iraq, get the oil revenue and come and deliver their weapons of mass destruction to America. That is what we are talking about. That is what is at stake in this war. How we execute our responsibilities as Senators who have the leadership mantle is going to determine how successful our troops can be.

I hope we can have that debate. I hope we can have the debate on the Levin-Warner resolution. I hope we can have a debate on the Gregg resolution. I hope we can have a debate on the McCain-Lieberman-Lindsey Graham resolution because I think it would be the right thing for the American people. But don't try to put one resolution on the floor with no amendments and call that an opportunity to have a voice. No one could keep a straight face and say that is a fair process.

There are 100 Members of the Senate. I do not question one Member's patriotism. I do not question the motives of one Member. Everyone has a view that we believe is the right way for our country. We ought to be able to support resolutions that put forward those views. This is too important to have a struggle over process keep us from having the ability to come together and try to reason and pass one good resolution or two that would allow us to have a voice in this debate. The world is going to listen to what we say. I hope we don't send the wrong signal to our

allies or to our enemies that America cannot stand it when it gets tough. America is the beacon of freedom to the world. If we do not stand and fight for freedom, who will? America must never step back from that mantle and that responsibility. Freedom will die everywhere if we don't fight and keep it for America and our allies.

Let's have that debate. Let's have that debate on whatever differing resolutions come forward. I am not afraid to debate the Levin-Warner resolution, and I am certainly proud to support the Gregg and the McCain-Lieberman resolutions. I wish to talk more about it.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am dismayed at where we now stand. Last fall, the people of the United States sent a message to the President of the United States that the current course of his war in Iraq is deeply misguided and that bold, new solutions are called for. The President failed to listen. Yesterday, the Senate, this historic institution, was prevented from speaking.

What we say in this historic Chamber about our course in Iraq, and even more what I hope we will do in this Chamber to correct that course, are among the most urgent concerns of the community of nations. It matters to millions of Americans who have already raised their voices in concern at a strategy lacking in foresight and cratered with flaws. It matters to millions more souls throughout the world whose lives, whose hopes, whose futures depend on American leadership and authority.

But we are silenced as a Senate, silenced because yesterday, on the single most important issue facing America today, on the issue that has cost more than 3,000 young Americans their lives, tens of thousands more their limbs and livelihoods, and countless families their well-being—on the issue where this President has squandered so much of our national Treasury and national good will—the Senate was silent. It was silenced by a parliamentary maneuver.

The people we represent deserve better from us. As you know, I am new to this body, but each time I step through these doors, I bring with me the hopes and expectations of thousands of Rhode Islanders I have heard who know it is time for a new direction in Iraq. Tired of a President who has failed to listen and failed to learn, last November, they joined millions of their countrymen and voted for change.

Whenever I think of these men and women, I am filled with an enormous sense of responsibility. They trusted me to hear their voices and to make sure the Senate hears them too. So I speak today. I share Rhode Island's conviction that it is time for a change of course. Our troops and their families



have made countless sacrifices, and our choices in this Chamber must be worthy of them.

The situation in Iraq is dire, rife with sectarian conflict that can only be resolved by Iraqi political cooperation, not by American military force. A broad consensus has emerged from senior military commanders to the bipartisan Iraq Study Group and throughout the American people that our best course would be to begin to redeploy American troops out of Iraq. Instead, the President has insisted on a costly strategy of escalation that would send more of our soldiers into harm's way. I believe that to be a terrible mistake.

It is my deeply held conviction that in order to create the best environment for real change, the President must announce, clearly and unequivocally, that the United States plans to redeploy our troops from Iraq. That announcement would change the dynamic, enhancing our national security position in Iraq, in the Middle East, and throughout the world in three important ways.

First, a clear statement of American intent to redeploy forces from Iraq would eliminate the Iraqi insurgents' case that we are an army of occupation. It would eliminate it once and forever. The Iraqi population's nationalist sentiment would no longer be engaged against us. The Iraqi people don't want us there, and a majority of them consequently believe it is acceptable to kill American soldiers. That is not an environment in which we can gain likely success.

Second, without a buffering American presence, the world community would understand it must face the consequences of the Iraq situation. Other nations in the region and elsewhere around the world would be motivated to take a more active role to work together to bring peace and stability to the region. Now, for all intents and purposes, we are alone.

In particular, Arab nations, facing the risk of a pan-Arabic, Sunni-Shiite conflict igniting in Iraq, must then assume greater responsibility for averting such an outcome. Under current U.S. policy, these Arab countries have little incentive to help calm the conflict or reduce the violence. Any incentive they have is buffered by America's role as the peacekeeper and offset by the cost, in so many eyes, of even associating with the United States.

Third, Iran presently gains immensely from fomenting violence in Iraq. Keeping America bogged down in a civil war in Iraq undermines critical U.S. policy objectives, including the effort to work effectively with the international community to address the serious threat posed by Iran's nuclear weapons program. The threat of American redeployment changes that calculation for Iran. The advantages Iran currently enjoys from bogging America down in Iraq would diminish or evaporate.

Some argue—we hear it right in this Chamber—that to fail to support this

President's judgment is to fail to support the troops. Never mind the manifest and repeated flaws in that judgment: Misjudgment on weapons of mass destruction; misjudgment on when the mission was completed; misjudgment on the risks, costs, and demands of occupation; misjudgment on the wisdom of de-Baathification; misjudgment that the insurgency was in its last throes; and now misjudgment on whether there is civil war. There has never been a record of error, failure, and falsity similar to it. Now, the unfortunate fact is the President's bad misjudgments and failed diplomacy leave us few good options.

Changing the Iraq dynamic can set the stage for an aggressive international diplomatic effort to restore security in Iraq and combat terrorism worldwide. An intense diplomatic effort, with the parties thus motivated by the prospect of American redeployment, is our best remaining real chance for success. It will also staunch the hemorrhage of two critical American assets: Our international standing and our national Treasury—and most importantly, it will bring our troops home.

Without such a change in the dynamic, we are likely to remain trapped there, seen by many as more provocative than helpful, a great nation ensnared. For the safety of our troops, the stability of the region and the security of our Nation, that must not happen.

The situation in Iraq is grave and deteriorating. It undermines our national security by hurting our troops and their families, by diverting our attention from al-Qaida and other critical threats, and by degrading our military capability for other actions. The Iraq quagmire demands a new strategy that is both bold and realistic. If we lead boldly, sensitively, and firmly on the diplomatic front, if we speak, again, in realities instead of slogans, if we build consensus instead of polarizing nations, we can restore America's prestige, leadership, and good will. The President's escalation does not help achieve these goals, and yesterday the Senate had the opportunity to say so. We did not. We were silenced—silenced by parliamentary maneuver.

The Senate has been called the world's greatest deliberative body. Let us deliberate. The debate over our course in Iraq echoes all over the world, from world capitals to the kitchen tables of middle America—everywhere except this silenced Chamber.

Mr. President, I call on my colleagues on the other side of the aisle to stop the stalling and allow this body to deliberate. Ultimately, the free and unfettered clash of ideas that a real Senate debate represents is exactly what our troops in Iraq are fighting for.

Let us, in this historic Chamber, not undermine their sacrifice with our silence.

For my part, it remains my view that announcing our intent to bring our sol-

diers home will help us start down the long road toward renewed American strength and leadership in the region and in the world. It is a critical journey, and it is long past time to begin.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### SOURCES OF ENERGY IN AMERICA

Mr. GRASSLEY. Mr. President, every time a President gives a State of the Union message, there are a lot of people who praise it, there are a lot of people who disagree with it. One of the areas where there was some agreement—but also a lot of disagreement—was on the energy package the President suggested in his State of the Union message. Since I come from a State that is No. 1 in almost all of the alternative energies such as biodiesel, such as wind—we are third in wind energy, we are first in biodiesel, we are first in ethanol production—I would like to set the record straight and encourage people to see that a lot of good has been accomplished over the last several years and that we ought to forget a lot of disagreeing rhetoric and move on and even enhance what we have already done. So I am here to address an issue President Bush mentioned in his State of the Union message and an issue that those particularly on the other side of the aisle have been quick to criticize.

In the President's speech to the Nation, he once again highlighted the need for the United States to reduce our dependence upon foreign oil. This has been something that Presidents have been stating on a very regular basis, both Republican and Democratic, going back to 1973, when President Nixon gave a speech, during the first energy crisis, speaking about energy independence. Of course, President Nixon was saying we can do it by 1980. I don't know why he picked that date, but actually we are much more dependent upon foreign sources now than we were even in 1980 because of the consumption of the United States and the standard of living we have. People want to be free to drive their car wherever they want to drive it as long as they want to. Whether it is a big car or little car, it is freedom in America to do it, so we become more dependent. But also along the lines of alternative energy, we have made tremendous progress.

So President Bush did not do anything that Presidents probably haven't been doing for the last 34 years, in saying we need to move toward energy independence, but what they mean is less dependence upon foreign sources and less dependence upon petroleum. Because I would be misleading my colleagues, I would be misleading my constituents if I said we have the capability—at least I don't know that we have the capability—of being totally independent of foreign sources of energy, but we surely have the capability

of being less dependent upon foreign sources of energy, and we have the capability of being less dependent upon petroleum as a basis of our energy.

So the critics, though, it seems, have been quick to point out that the President has mentioned our dangerous dependence on foreign oil in seven straight addresses to the Congress. That is why I pointed out that every President since President Nixon has been talking about this issue. So it is not just President Bush who has been mentioning it and, presumably and impliedly, not doing anything about it. I wish to remind my colleagues he has also talked about the value of domestic, homegrown, renewable sources. But at the same time, there has been criticism that he has done little to actually support the growth of alternative energy. I say my colleagues are wrong.

I am going to quote Senators, but I am not going to mention their names because I am not here to embarrass anybody; I am here to try to get people to be responsible. I do wish to refer to these as all Members of the Democratic Party, but I am not going to mention their names. One Democratic Senator stated after the President's speech last week:

The President acknowledged the need to develop alternative energy, but he did not offer a real plan to put us on the path to energy independence.

Now, I am going to show my colleagues how the President has been very much involved in this.

Another Democratic Senator stated:

So many of us believe that though the President continues to refer to the problem—

Meaning the problem of not being energy independent enough—he has never quite moved us—

Never quite moved us—

as we would like in the direction of a solution. We did little or nothing in Washington to address the addiction.

Maybe he hasn't addressed the addiction, but because there is an addiction, he has tried to make us less dependent upon a petroleum addiction, as opposed to an energy addiction.

Finally—and I could go on and quote many more, but I will stop at the third one—one more Democratic Senator commented:

We have waited 6 long years for the aggressive new incentives needed to really get our biofuels industries off the ground and break America's oil addiction.

Of all the statements I have quoted, it seems to me that is the one that is flatout intellectually dishonest, as I am going to give some facts here. The facts would suggest otherwise. The fact is the ethanol industry is growing at the fastest pace in its history. There are over 110 ethanol facilities operated across the country. These plants have the capacity to produce 5.3 billion gallons of ethanol annually. I said 110—110 ethanol facilities. We only have 170 petroleum refineries to make gasoline and fuel oil in this country. So I think we are developing an industry.

Here my colleagues can see the States that are darker, where the ethanol industry is being located. Iowa is No. 1, my State is No. 1 in the production of ethanol, but it is rapidly expanding. I still remember 3 or 4 years ago, or maybe it has only been 2 years ago now, when we had Members from this State and Members from this State who would stand up here and offer amendments against ethanol, and it wasn't long that once we got into the point where everybody realized they had to use ethanol, we had Members from this State and we had Members from this State saying to Senator HARKIN and me: Why don't you get us more ethanol, as an example. So people are becoming more ethanol friendly, but it seems you have to take them dragging and screaming into the new world of alternative energy.

So we have a developing industry. Twenty-three States currently have ethanol plants in operation or under construction. Today, there is some level of ethanol blended in more than 46 percent of our Nation's fuel. In my State, that would be about 80 percent. In Minnesota, I will bet it is more because Minnesota has a State mandate. I have been embarrassed because when the Republicans controlled the State legislature and I went to them and said we ought to be doing what Minnesota is smart enough to do, I had Republican legislators tell me: GRASSLEY, go back to Washington and stick to your own business. But I told them how I fought for the ethanol industry and alternative fuel and for the agricultural industry because that is where the source of the energy comes from, from the family farmers of America, and I told them it was embarrassing to me to fight big oil here while they were kowtowing to big oil back in Des Moines.

Well, anyway, I think things are going to be moving along. We have a Democratic Governor who wants to do more with the biofuel industry in my State, and I think we are going to make some progress. We may not have a mandate, but we may not need a mandate now.

I wish to talk about where we are located. Now, according to the Renewable Fuels Association, the ethanol produced in 2006 resulted in the reduction of oil imports by 170 million barrels of oil, with a value of \$11.2 billion. Remember, \$11.2 billion being spent on ethanol that is not going to the Middle East to produce a profit for the oil barons over there who shoot bullets at our soldiers as we are trying to take on the war on terrorism.

Now, I say to the critics on the other side—the other side chooses, as evidenced by the earlier statements I quoted of Democratic Senators—to ignore this data when they discuss the energy track record of President Bush and the Republican-controlled Congress in past years.

I was cynical when there was a Governor Bush running for President and coming to Iowa to campaign saying he

would be for anything but big oil. So I had the opportunity in January of 2000, when we have our caucuses in the coldest time of the year, to be in a minivan with President Bush, as a candidate for the Republican caucuses at that time, to ride with him for 2 or 3 days. I thought, what a wonderful opportunity to be in a small car with a Governor who might be President of the United States, to teach him about the facts of ethanol. It didn't take me very long because he came back—and you never remember the exact quotes because I didn't write this stuff down. But I remember him saying something along the effect of: Well, it is just common sense. We only have so much petroleum. We have to start relying on ethanol to a greater extent. I guess I believed him then, but maybe I had some question marks. So we went on for 2 or 3 days, and there wasn't anything in those 2 or 3 days to change my mind. But you wonder: you say one thing as a candidate; you might perform another thing as an officeholder. But I found back in 2000 that the President was a friend of ethanol when he told me about it, and he has performed that way in office. So I am satisfied that this President is coming from where he started and albeit from a State where oil is big business and where you wouldn't expect him to be for it, but he has been a friend, as he indicated to me privately he was going to be. I think this President has done well for alternative fuel. So I don't think the criticism of him is legitimate.

The fact is that when President Clinton left office in 2000, our farmers were only producing 1.6 billions of gallons of ethanol. Now, I am not saying President Clinton was not friendly to ethanol. He was friendly to ethanol. But I think there are degrees of friendliness. But for the people on the other side of the aisle who tend to be criticizing this President, I want them to see where we have come since this President took office. During the 8 years of the Clinton presidency, domestic ethanol production grew 33 percent, as my colleagues can see here. Now, when we compare that to what it is since President Bush came to office in January 2001, the domestic ethanol industry is producing 1.7 billion gallons annually. That grew to 4.9 gallons last year. When President Bush leaves office—this chart is somewhat of an estimate, but we think it is on target because the plants are coming online and ethanol is catching on and the need for ethanol is very real—we think this will grow to 10 billion gallons. That is a 488-percent increase during this period of time compared to a 33-percent increase.

I am not belittling President Clinton's efforts, but I think people on the other side of the aisle ought to take into consideration when they are raising a question about whether we have done enough in recent years about alternative energy these facts and this growth and not belittle this growth that seems to me is going on. This growth is no accident.

In fact, a key turning point took place in March of 2001 when President Bush took a courageous step that President Clinton should have taken but did not take during the last year of his Presidency. In 1999, the big State of California, with a tremendous consumption of fuel for automobiles and energy—generally, the State of California, at that time, was deciding to ban the competitor to ethanol as an octane enhancer that is known by the acronym MTBE. It stands for methyl tertiary-butyl ether. It was found to contaminate ground water.

Obviously, California had to quit using it, but they did not want to substitute ethanol. According to the 1990 Clean Air Act, they had to substitute ethanol without a waiver by the President or Congress. They were asking for that waiver. It did not happen, so we did not know where the ethanol industry sat versus the MTBE, so ethanol did not benefit the way it could have if President Clinton had made a decision.

California Governor Gray Davis did not want his citizens to have to use ethanol—which the 1990 law required—and he petitioned Clinton for that waiver. While many of my colleagues and I lobbied President Clinton to deny the waiver, he took no action. When President Clinton had the opportunity to demonstrate his confidence in our Nation's farmers and ranchers to produce this clean renewable alternative energy, President Clinton was nowhere to be found.

That changed when Governor George Bush was elected President. Less than 90 days into his term as President, George Bush denied the waiver which put the ethanol industry firmly on a path to growth because California uses so much energy.

Along the way, Congress considered and enacted a number of incentives and supportive policies to foster the development of this important industry. In August 2005, President Bush signed into law the Energy Policy Act which included the renewable fuels standard, or RFS, for short. This provision was a culmination of the work of dozens of Senators during a period that spanned three Congresses. It has also been key to the growth of the domestic ethanol industry.

The effort to enact a strong renewable fuels standard was bipartisan, but it was approved by the majority Republican Congress with the help of President Bush.

During the consideration of the Energy Policy Act, President Bush asked Congress for a bill that would help diversify the U.S. away from crude oil. He put his public support behind the renewable fuels standard to require the use of ethanol and/or biodiesel. The President supported our efforts toward a renewable fuels standard because he recognized that increasing our use of ethanol and biodiesel would create new markets for farm products and increase our energy security.

During the consideration by the Senate during this period of time—and I

referred to this a little bit before—no fewer than 11 amendments were offered by Members of the other side of the aisle to delay, reduce, or render useless the renewable fuels standard which had broad bipartisan support, particularly from those from the Midwest. It was not the Republicans offering these amendments to kill the growth of the domestic renewable fuels market. It was members of the other side, some of whom are the same ones who may be criticizing the President today for not doing enough to decrease dependence upon foreign oil.

Perhaps more ironic is that a strong renewable fuels standard could have been enacted earlier than 2005. In November 2003, an Energy bill conference report came to the Senate with a renewable fuels standard but ran into a filibuster in the Senate. Had there not been a Democratic-led filibuster, what the President signed in August of 2005 would have been signed in November 2003. We would have been 2 years ahead of the game.

In addition to the renewable fuels standard, other provisions enacted in the past 6 years have perhaps done even more to spur the growth of the renewable fuels, particularly ethanol and particularly biodiesel. In 2004, Congress enacted the American Jobs Creation Act. This legislation included modification and extension of the ethanol tax incentive. While improving the incentive, it also extended it through 2010.

In the Energy Policy Act, which the President signed in August of 2005, Congress expanded the incentive for small ethanol producers and created a new credit for small producers of biodiesel. Most recently, Congress extended the tariff on imported ethanol through the year 2008. The tariff ensures that U.S. taxpayers are not subsidizing foreign ethanol and that we continue to grow our domestic production of ethanol.

As a result of the tax incentives, the ethanol import tariff and the renewable fuels standard, the domestic renewable fuels industry, is growing faster than anyone could have ever imagined. The policies put in place by the Congress when Republicans controlled it, with the support and assistance of President Bush, have put this industry on a path of extraordinary growth. We have recognized that renewable fuels, such as ethanol and biodiesel, improve air quality, strengthen national security, reduce the trade deficit, decrease dependence upon the volatile Middle East for oil, expand markets for agricultural products, increase income for farmers, and create good-paying jobs in rural America.

In other words, it is as the Campbell's soup advertisement of 25 years ago: everything about ethanol is good, good, good.

The fact is, President Bush has been the most prorenewable fuels President our country has ever had. I stated earlier when he was a candidate for Presi-

dent coming from big oil Texas and being Governor of that State, would I expect him to be a renewable fuels person in the future? No, because I have been dealing with big oil and fighting them versus ethanol for a long period of time. It is only within the last 3 or 4 years that we had the freedom of not having to fight big oil. Who knows, maybe today we will have to fight big oil again when it comes to some ethanol products for the future, but there has been a lull. I thank President Bush for keeping his word to the people when he promised to be prorenewable fuels.

Getting back to those who claim the renewable fuels industry has lacked attention from President Bush and previous Republican Congresses, I leave with one final point. In the year 2000, the final year of the Clinton administration, we produced 1.6 billion gallons of ethanol. That is nothing negative about President Clinton. He seemed to be, for the most part, very ethanol friendly. But you cannot criticize this President when we have this figure: By the time he leaves office in 2008, we will be producing 10 billion gallons. The policy supported by the Republican Congress led to this growth.

I have proven that I don't want to sit by quietly while the other side tries to say otherwise.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Does the Democratic side seek unanimous consent to address the Senate?

MR. HARKIN. Mr. President, I ask unanimous consent I be permitted to speak as if in morning business for such time as I may consume.

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

#### IRAQ

MR. HARKIN. Mr. President, I have been periodically tuning in today during committee hearings and other work we do around here on some of the debate surrounding whether we are going to have a debate on Iraq. It is hard for the average American out there who may be watching C-SPAN to understand whether there is any sanity in this place, whether we are really rational individuals running the Senate.

This is supposed to be the most deliberative body, as we keep calling ourselves, in the world. The function of the Senate is to debate and to discuss, sometimes ad nauseam, different measures. Sometimes we can debate for a long time around here. People in this country wonder what is happening here that the Republicans won't even allow debate on the most important single issue confronting America today: the war in Iraq and the escalation.

I make it clear from the outset to those who may be watching, to try to clear it up as much as possible, the Republicans, through parliamentary maneuvers and through their vote yesterday, will not even allow the Senate to

debate Iraq. I can talk on it if I want to. Of course, I can. But they will not allow us to go to a debate on the Warner resolution, which has very strong bipartisan support, and has a majority of the votes in the Senate.

We are faced with an unusual situation which I don't know has ever occurred here before. A matter which is life and death for so many of our young men and women—disrupting families, causing untold drain on our Federal Treasury, not just now but for years in the future, causing us to lose friends and allies around the world—and we can't even debate it. But that is the situation in which we find ourselves.

I can tell you, over the last few weeks I have had thousands contact my office through e-mails and phone calls. I must say, the vast majority, the overwhelming majority, oppose the President's escalation and the war in Iraq.

Over the last 24 hours, since yesterday, much of their anger and focus has been not so much on the President and his misguided policies but on the Republicans in the Senate who won't allow Members to debate the issue. As one said, we debate this in our workplace, we debate it in the parking lot, we debate it after church on Sunday, we debate it with our neighbors, in our clubs, at the bowling alleys, but you guys can't debate it in the Senate? They just cannot believe that Republican Senators are blocking debate on the No. 1 issue before our Nation.

In a nutshell, what callers are saying to my office is that Senators have a right if they want to support the President's position on the war in Iraq. They have a right to embrace his escalation of the war, but they do not have a right to block legitimate debate in the Senate on whether the escalation is wise or appropriate. They do not have the right to silence the voices of tens of millions of Americans who have had enough of our quagmire in Iraq.

People in Iowa, and I suspect across the country, are saying the election last November was a referendum on the war. Voters spoke loudly and clearly; they want our troops out of the civil war in Iraq. I imagine the American people probably thought their elected leaders in Washington got the message. Well, maybe they see now that the Republican minority in the Senate does not even care about what happened in the election. They want to escalate the war. But that is fine. If that is their choice, that is their choice. But what should not be their choice is to silence debate by a majority of Senators who oppose the escalation in Iraq.

I think this is what got people so upset and are calling and e-mailing my office. People in this country, in times of crisis such as this, are always way ahead of the politicians. They know that by voting against debating the war, the Republican Senators have voted to endorse President Bush's escalation of that war.

It is one thing for Republican Senators to ignore the Iraq Study Group's

recommendations. It is one thing for Republican Senators to ignore the results of the November election. It is one thing for them to ignore all the warnings of the generals last year. But what is unacceptable is that Republicans in the Senate refuse to listen to the families of soldiers who are being asked to put their lives on the line for this last and reckless roll of the dice in Iraq.

Among those being committed to the escalation are more than 600 soldiers from the Iowa Army National Guard. Many of them are from the 1st Battalion of the 133rd Infantry headquartered in Waterloo, IA. Other units are from Dubuque, Iowa Falls, Charles City, and Oelwein. These soldiers have been deployed since early last year in Anbar Province, the most violent region in Iraq.

These soldiers were supposed to come home in the spring. But just 1 day after the President announced his escalation, they learned they would not be coming home. Instead, their combat tour in Iraq would be extended to 16 months. Think about that—nearly a year and a half in the middle of some of the most deadly combat in Iraq. To make matters worse, as we now know, many of the soldiers and their families learned about it through the media before they were officially notified.

I want to make it clear, I know some of these members of the Iowa Army National Guard. They are disciplined professionals. Even those who I know profoundly disagree with this escalation, I know they will do their duty. And they are doing their duty in Iraq. They deserve our profound respect and admiration. But they deserve to be listened to. And their families deserve to be listened to.

From the letters, e-mails, and phone calls I have gotten, people are outraged that Republicans are not allowing the Senate to even debate the escalation.

We got some e-mails in, and I started reading some of them. I asked my staff to contact them to see if I could read them on the Senate floor. I would not want to read an e-mail on the floor unless I had permission from the sender.

So I have three letters I am going to read because they are so profound. One is from Barbara—I will not use the last name—in Iowa whose husband is with the 133rd Infantry. This is what she writes:

Senator Harkin: I sit here to write this letter, not knowing why since I'm feeling like no one cares anymore or will be able to do anything about it. I am a 41 year old woman, (as of today), a military wife of 23 years and a mother of 3. My husband is a proud member of the 1-133rd Infantry. This unit was called up to serve in the Sinai for 9 months from April 2003 until January of 2004. Just a short 18 months later they were ripped away from their families once again to be a part of Operation Iraqi Freedom. They are currently serving in Iraq and have been gone for 16 months so far on this mission. The soldiers and the families have finally been feeling like we were seeing the light at the end of the tunnel. As the new year began we all started our countdown for our reunions ex-

pected for the first part of April. Three days ago, our worlds came crashing down once again as we learned that our loved ones would not be coming home in April, but were being extended until August, thus being deployed for almost 2 years by the time they return. I am angry, I am devastated! How could this happen? How could you let this happen? How could this be right? I have lost all hope and faith in our government. I don't understand much about politics so my biggest question is if so many people are against this war and the increase of troops being sent over then why is the president not listening? Doesn't he care? I voted for him and believed in him and he has let me down. I attended a meeting that was to discuss this extension and we were told some good things were happening for the future for the guards. Limited times of 12 months being deployed and 5 years in between call ups. Even though I am so happy for these changes for the future, you have to understand that 700 families are devastated right now, feeling left out, and not cared for because this doesn't help our soldiers or us right now. Please, please think about the effects this is having on our soldiers and their families. We all have given so much and though we are proud to have been part of serving our country, it's time for our soldiers to come home. Please bring them home.

Sincerely,

Barbara

The next letter is from Jodi in Iowa. She said:

I have a 20 year old son who has put his life on hold for the past 18 months. He left after only two weeks of his freshman year of college. He deployed to Iraq last April and was due to come home in three months. Now we are told he is to stay another 4 months. I have seen no progress in the Iraqi war and can not justify my son losing another 4 months of his life. I feel it is the lower and middle class people who are providing the men and women who are fighting this war. How many of your fellow congressmen have sons, daughters, husbands, wives, nieces or nephews serving in this war? I have a son, a nephew and a niece in Iraq. They joined the Guard for money so they could attend college, not because they were eager to go to war. They were assured when they signed up that they would not need to worry about being deployed. They do not want nor do we want them to stay longer than what they were told when they left last April. Please help bring my son home. He has served his time and his country and served it well.

Sincerely,

Jodi

Last, I will read a letter from Nikole:

Dear Senator Harkin:

I write to you as the wife of a soldier in the 1-133. My husband, SSG Nicholas . . . , has been stationed in Iraq since the end of March 2006. He also trained at Camp Shelby, Mississippi for five months prior. He was to come home at the beginning of April; however, he has now been extended for an additional four months.

My husband and I have been married for almost six years. He was in the US Army when we married and then joined the Iowa National Guard after exiting the service to continue to serve his country. My husband is 27 years old. He has served eight years in the military. Before his deployment he was a junior at Iowa State University majoring in Community Regional Planning and had plans to attend graduate school.

Our lives have been put on hold during this deployment. We both went into the deployment knowing that it would be difficult, but

we knew that our love would allow us to make it through. Our motivation was the ability to secure our future with financial freedom.

Think about that: "Our motivation was the ability to secure our future with financial freedom."

We planned to purchase our first house with the money that we saved.

During his two-week leave in September, we began building a new home. The house was to be finished in February. This would allow me time to move in and decorate just in time for his return. It was PERFECT timing. We would be able to pick up our lives and move on.

As you can imagine, we were both extremely disappointed to hear the news that he would be extended for an additional four months, already a longer time than any other unit deployed to Iraq.

I have not only lost my husband. I have lost my very best friend, my lover, my confident, my motivation and inspiration for life, that one person that knows and understands me the most. I am sure you can relate to someone in your own life.

Sure, my wife.

Now imagine that person being torn away from you for two years and place them in harm's way in a war zone. I act tough to my husband so that he will have one less thing to worry about. However, it IS an act. I miss him. I need him. I am falling apart.

My intention is not to be rude, complain, and say nasty comments. I am sure that you receive enough of those types of letters. I just pray that our story can give you a glimpse into our lives and the effect of the situation. I also pray that by hearing a personal story you will reconsider and allow the 1-133 to return home to their families, their children, their jobs, and continue their lives as American citizens.

Sincerely,  
Nikole

Mr. President, I took the time to read those three letters. If we do not speak for these families, who will? If we are not allowed to debate here, are their voices to be silenced? They do not have the right to come here on the Senate floor and speak. I have the right to read their letters, with their permission, but why can't we debate this and speak on behalf of them and so many other families in this country who want their stories told and who want an end to this quagmire in Iraq?

They now know—people are so far ahead of us; they are so far ahead of the politicians around here—they know what is happening. They know that Iraq was a lie; it was a mistake. They know there was never any weapons of mass destruction. They know now that Saddam Hussein, however bad he was, was not involved in acts of terrorism against the United States—against his own people but not against the United States.

They now know that what is happening in Iraq is a civil war. As I was told some years ago by a person from the Emirates—close to there—he said to me: Senator, you have to understand that Iraq was really three countries. It is just a figment of the British imagination that they put it together in the Treaty of Versailles after the First World War. He said: Really it is three countries, the Shias, the Sunnis, and

the Kurds. He said: Furthermore, Senator, it is a civil war waiting to happen, and there is nothing you can do about it.

Yes, maybe someone as ruthless as Saddam could put the lid on it for a while. And we would hope they would come to their senses and not have a civil war. They have had an election. They have a parliament. And now it is time for the Iraqis to take matters into their own hands. The longer we are there, the more involved we become, the more it becomes America's war against the Iraqis.

I read the article in the Washington Post this morning about how our troops are now going door-to-door in Iraq, and they just bust in. They busted into the home of a woman who had a master's degree in English translation, whose husband was a major in the Iraqi Army. And she said: Why didn't you just have the courtesy to knock? I would have let you in.

These soldiers are going into homes. They are going into bedrooms and looking under beds, tearing sheets off the beds, looking through dressers of people who have nothing to do with the war. These are just civilians and they happen to be caught in a zone.

You wonder how they feel about us after something like that happens. One soldier was quoted in the paper this morning talking about his first tour of Iraq right after the invasion. He said: Things were fine. We went out with the Iraqi people. Now I go over there and they spit at us, every one of them.

So the people of this country understand that this war was a terrible mistake from the beginning. It has been not only a mistake and a lie to get into it, it has been mismanaged from the very beginning. It has cost over 3,000 of our young men and women's lives. How many Iraqi lives? I am told the count is now way over 50,000, maybe as high as 100,000, with millions more displaced from their homes, going into Jordan. That is going to cause a lot of unrest in Jordan with all the displaced people and refugees there.

The answer is not to continue this miserable escalation the President wants to do. Everyone realizes this won't do it. It is just going to cause more misery, more suffering, cost more money, cost more lives.

That is the kind of debate we want to have. But Republican Senators will not allow us to have the debate or even to have a vote on the resolution of disapproval. We have a duty to debate this escalation, to speak up when we believe the President's policy is wrong. We have a duty to speak up for families, such as the ones whose letters I read, and for the overwhelming majority of Americans who oppose this new escalation. It is unconscionable that Republicans leaders, at the behest of President Bush, are refusing to allow the Senate to debate the escalation in Iraq. It is time for them to listen to the American people and the families of our troops in the field. It is time to

stop the obstruction, allow the Senate to debate the Warner resolution, and to have a vote. That is all we are asking for. Vote your conscience. If people want to vote to support the escalation, if they want to speak on behalf of it, that is their right as U.S. Senators. But I hope they don't realize they have a right to silence the voices of millions of Americans who are looking to us to do something, to bring some reasoning, some rational discourse, and some clear thinking to what is happening in Iraq and to confront the truth.

As I said earlier, our young men and women are doing their duty. I know. I have an e-mail I received the other day from a young man in Iraq who has been there for quite a while. I won't use his name because I didn't ask his permission to use the e-mail. He said in his e-mail that he—I am not sure of the word—disagreed with the war. He said: This war is not winnable. The military cannot do this over here. But he is doing his job. He is putting himself in harm's way day after day. They realize this is a bad mistake. You think we would start realizing it around here, too.

War is not the answer in Iraq. Diplomacy is, bringing in other countries. Does it mean we have to talk with Iran? I have no problem with that. The President once said he didn't want to talk to Iran because they were our enemies. I guess all we want to talk to is our friends. If I disagree with someone here, I want to talk to that person. I want to find out why. Is there any way we can reach resolution? So we ought to be talking with Syria and Jordan and Iran, Iraq, of course, Turkey, Syria—all the countries around there. We ought to be talking to them. And there ought to be a more concerted effort on the diplomatic side than there is on the military side. We are putting too much on the military and not enough on diplomacy. I would hope the Iraqis would come to their senses and not engage in a civil war, but that is their decision to make. We can't make it for them.

The longer we are there, the worse it becomes. The longer we are there, the more and more Iraqis turn against us. More and more people in the Mideast turn against us. And more and more we lose our standing in the world community. I daresay we have precious few friends around the world today who are willing to stand with us. Prior to this war, after 9/11, the entire world was on our side. After those planes hit the Twin Towers and the one hit the Pentagon and the one went down in Pennsylvania which was probably coming here, the world was on our side. Countries all over the world—Muslim nations were on our side. Even Iran sent out some feelers to go after the Taliban. They didn't like the Taliban, either. And here we squandered it all, with the whole world on our side 5 years ago. Now we would be hard-pressed to find a few. They may be with us here and there on this or that, but

we know what they are saying about our involvement in Iraq. We know what they are saying about our standing in the world community. We know that. It is going to take a long time to rebuild it. The longer we persist in this unconscionable, unwinnable quagmire war in Iraq, the longer it is going to take us to get our standing back in the world community. Try we must. We need to bring this war to its conclusion.

It is not losing the war. People say: We can't lose it. I wasn't in the Senate, but I was in the House of Representatives when the Vietnam war finally came to a close. We heard the same arguments then, that we can't afford to lose, that the whole of Southeast Asia would be in flames, communism would take over the Philippines, communism would take over Indonesia. We heard it time after time. Guess what. None of it happened. And you look back now and you go down here to the Vietnam Memorial wall and you read those names and you think about their sacrifice, families that were left behind, children, loved ones. You wonder what for. What for? They served their country proudly. They did their duty. But you wonder in the end, what was it for?

I think, as we look back on this war in Iraq years from now, the thousands of Americans who have lost their lives, we will ask that same question: What for? Why? War is not the answer. Escalation is not the answer. We need to bring our troops home.

Those on the other side are saying we ought to talk about cutting off funding. That is going to come. We are going to have a supplemental appropriations bill. It will be here probably in the next couple months. I, for one, am going to do everything I can to make sure we have some kind of amendment on that bill which will limit the President's ability to spend the taxpayers' money on the war in Iraq. After all, the Constitution gives us the power of the purse strings, not the President. If we want to say: Mr. President, you can spend the money to redeploy troops out of Iraq and to protect them while they are being deployed, you can do that, but you can't spend any of that money to send any more troops there and put them in harm's way and have them going door to door in Baghdad and have them be shot at by snipers, we will have that opportunity when the supplemental appropriations bill comes before us.

Right now is time for us as a Senate to stand up and say whether we approve of the escalation or disapprove. Republican Senators on the other side of the aisle won't even give us that opportunity. I hope they hear from more families like the letters I just read. Maybe we will get that opportunity. It is time for us to quit shirking our responsibility, time for us to stand up and say whether we are for the escalation. I, for one, am not. Maybe others are for it. I think that is what we ought to debate, and that is what we ought to vote on.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HONORING OUR ARMED FORCES

FIRST LIEUTENANT JACOB FRITZ

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army 1LT Jacob Fritz of Nebraska. Lieutenant Fritz was killed near Karbala, Iraq on January 20. He was 25 years old.

Lieutenant Fritz was raised on his family's farm near Verdon, NE. From a young age, Lieutenant Fritz knew he wanted to be a leader. After graduating from Dawson-Verdon High School in 2000, he followed through on this goal. I had the honor of nominating Lieutenant Fritz to the U.S. Military Academy at West Point. He graduated from the Academy in 2005. His brother, Daniel Fritz, 22, followed in his footsteps and is currently in his third year at West Point. Like his brother Jake, I had the privilege of nominating Dan to West Point.

Lieutenant Fritz was leading a unit of more than 30 soldiers in Iraq since October. Lieutenant Fritz described his mission as a liaison between Iraqi police and the U.S. Army. He said the work was challenging, but rewarding.

Lieutenant Fritz was buried on January 31 with full military honors in a church cemetery 4 miles from his family home near Verdon, NE. Family and friends paid their final respects in a moving service that reminded all of the courage, commitment, and sacrifice of soldiers like Lieutenant Fritz. As his childhood friend Air Force 1LT Brett Cooper remembered, a life of service to his country followed by a retirement to the small town life that he loved was all that Lieutenant Fritz wanted. We're proud of Lieutenant Fritz's service to our country as well as the service of thousands of brave Americans who are currently serving in Iraq.

In addition to his brother Dan, Lieutenant Fritz is survived by his parents Lyle and Noala and his younger brother Ethan.

I ask my colleagues to join me and all Americans in honoring 1LT Jacob Fritz.

#### ADDITIONAL STATEMENTS

##### RECOGNITION OF G. MARTIN WAGNER

• Mr. LIEBERMAN. Mr. President, today I honor G. Martin Wagner—a dedicated public servant who, on January 31, 2007, retired from Federal service after 31 years.

Marty Wagner has had an exemplary career working for the Federal Government. Far removed from the apocryphal "faceless bureaucrat" that so many of those who wrongly belittle our Federal workforce often refer to, Marty should serve as an example to us all in how to best serve the people of this great country. Marty was a leader and a doer who accomplished much over the past three decades, and leaves the Federal Government a far better place than how he found it.

Over his 31 years in the Federal civil service, Marty earned many honors and awards for his efforts to make the Federal Government a better place to work for all Federal employees. His service has also resulted in a Federal Government that is more caring and responsive to the needs of the American public.

Marty grew up in Tucson, AZ. In his youth, he played guitar and sang folk songs in old time "hootenannies." He has a deep, recognizable voice, which would have served him well as a professional musician or radio persona. Fortunately for us, his career took a different path and Marty became a dedicated, hard-working Federal employee—serving in a number of agencies and departments over the past 31 years.

Most of us who know and have worked with Mr. Wagner over the years, associate him with his almost two decades of service with the General Services Administration, GSA, where he has been an innovative leader and promoter of initiatives for improved and more accessible information technology for Federal workers and the public alike. Most recently, Marty has served as Deputy Commissioner of the new Federal Acquisition Service, FAS. Prior to accepting this position, Marty also served as Acting Commissioner and Acting Deputy Commissioner of FAS. However, Marty was also a leader before his days at GSA, and I call to my colleagues attention just one of his major accomplishments over his Federal career.

Early on, Marty was an economic analyst at the Environmental Protection Agency. His outstanding work in the environmental arena proved to be invaluable to the quality of the air we breathe. In addressing the economic impact of pending EPA regulations, Marty was instrumental in producing the findings that resulted in the first requirement to remove lead from gasoline. I believe Marty could have retired at this point and have served his country well but, fortunately, this was just the first step in a long and distinguished career with the Federal Government.

G. Martin Wagner was a masterful manager and leader of innovative change within the Federal Government. The results of his untiring efforts over the past 30 years are evident in numerous Federal programs, resulting in a much more effective and efficient Federal Government.



Throughout his career, Deputy Commissioner Wagner has been a leader for positive change and modernization. When you worked with Marty you knew where you stood and that his positions were based upon his strong personal beliefs in how best to serve the American public and the Federal employees that he managed and with whom he worked. He is an honest, straightforward individual who did not shy away from challenges and difficult issues but, rather, sought the middle ground of compromise while always championing progress and better service.

From his work on implementing the gargantuan task of modernizing Federal telecommunications to his personal crusade of making sure each and every Federal worker was treated with respect and provided opportunities for advancement, Marty Wagner has always proved to be a capable and innovative leader. When we think of a government that is more efficient and effective, we need to pay our thanks to the good work of Deputy Commissioner Wagner.

I am sure that Marty's retirement from the Federal Government will not be the last we hear of him. Such an active, well-rounded, intelligent individual is not going to just while away the hours but, rather, seek out new challenges and opportunities to help his country and fellow citizens.

G. Martin Wagner and his good work will be missed but not forgotten.●

#### TRIBUTE IN HONOR OF BEASOR WALKER

● Mr. SHELBY. Mr. President, today I honor Mr. Beasor Walker, who has lived a life of great service to our Nation and to my hometown of Tuscaloosa, AL.

Beasor was a celebrated soldier in the Second World War, where he fought in the June 6, 1944, Invasion of Normandy. Despite a wound to his side, Beasor stayed with his unit during the duration of the fight and was promoted to company commander. Wounded again, he returned to his unit a second time in order to fight against the Nazis in the December 1944 Battle of the Bulge. It was during this offensive that he earned the Distinguished Service Cross, two Silver Stars, three Bronze Stars, and two Purple Hearts. After 27 years of distinguished service to the U.S. Army, including time at Fort Jackson, where he trained replacement troops for the Korean War, Beasor retired as a colonel.

A graduate of the University of Alabama, Beasor was elected sheriff of Tuscaloosa County in 1970. He served as sheriff until 1991, and during his lengthy tenure he was able to greatly improve Tuscaloosa County. Beasor is responsible for integrating the Sheriff's Department, streamlining the homicide squads, and extensively working to improve the Alabama Boys' and Girls' Ranch. Beasor has been in-

ducted to both the Alabama Military Hall of Honor and the Alabama Law Enforcement Hall of Fame.

His service to the Nation has been exceptional, and Beasor Walker is more than deserving of this recognition. His sacrifices are appreciated and important to the freedom we enjoy every day. I hope my colleagues will join me in thanking my friend Beasor Walker for his service to our Nation and to the State of Alabama.●

#### MESSAGE FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building".

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office".

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day.

#### MEASURES REFERRED

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

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-592. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas; Michigan" (Docket No. APHIS-2006-0131) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-593. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8110-8) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-594. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tris (2-ethylhexyl) Phosphate; Exemption from the Requirement of a Tolerance" (FRL No. 8112-2) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-595. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach; to the Committee on Armed Services.

EC-596. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Defense Advanced Research Projects Agency's biennial strategic plan; to the Committee on Armed Services.

EC-597. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Administrative Procedures" (FRL No. 8275-2) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-598. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-599. A communication from the Senior Counsel, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Private Security Officer Employment Authorization Act of 2004" (RIN1110-AA23) received on February 5, 2007; to the Committee on the Judiciary.

EC-600. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2008; to the Committee on Rules and Administration.

EC-601. A communication from the Legal Advisor, Wireless Telecommunications Bureau Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Re-channelization of the 17.7-19.7 GHz Frequency Band for Fixed Microwave Services Under Part 101 of the Commission's Rules" (WT Docket No. 04-143) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-602. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled "Amendment of Part 97 of the Commission's Rules to Implement WRC-03 Regulations in WT Docket No. 05-235" (FCC 06-178) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-603. A communication from the Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Petition of Mid-Rivers Telephone Cooperative, Incorporated for Order Declaring it to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2)" (FCC 06-132) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-604. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hennessey, Oklahoma)" (MB Docket No. 05-85) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-605. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Opelika and Waverly, Alabama, and Amyrna, Georgia)" (MB Docket No. 05-79) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-606. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hale Center, Texas)" (MB Docket No. 05-114) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-607. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbus, Indiana)" (MB Docket No. 05-238) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-608. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Reporting Requirements Under Section 8 of the Clayton Act, 15 U.S.C. Sec. 19(a)5" (Billing Code 6750-01P) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-609. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement Act and Broadband Access and Services" (ET Docket No. 04-295) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-610. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft" (RIN2137-AD33) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters" ((RIN2120-AA64)(Docket No. 2006-SW-03)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Model Gulfstream 200 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-175)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. T5311A, T5311B, T5313B, T5317A, T5317A-1, and T5317B Series Turboshift Engines and Lycoming Former Military T53-L-11B, T53-L-11D, T53-L-13B, T53-L-13B/D, and T53-L-703 Series Turbo-shaft Engines" ((RIN2120-AA64)(Docket No. 98-ANE-72)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters" ((RIN2120-AA64)(Docket No. 2006-SW-12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-011)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-109)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 95-ANE-10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-176)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model HS.125 Series 700A and 700B Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Hawker 800,

800XP, and 1000 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-118)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(Docket No. 2003-SW-10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters" ((RIN2120-AA64)(Docket No. 2005-SW-41)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Keokuk Municipal Airport, IA" ((RIN2120-AA66)(Docket No. 06-ACE-7)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Huslia, AK" ((RIN2120-AA66)(Docket No. 06-AAL-13)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK" ((RIN2120-AA66)(Docket No. 06-AAL-16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC" ((RIN2120-AA66)(Docket No. 06-ASO-1)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Instrument Flight Rules Terminal Transition Route T-210; Jacksonville, FL" ((RIN2120-AA66)(Docket No. 05-ASO-10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States" ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes Modified by

Supplemental Type Certificate SA979NE" ((RIN2120-AA64)(Docket No. 2006-NM-099)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW535A Turboshift Engines" ((RIN2120-AA64)(Docket No. 2006-NE-07)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Model AT-501 Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-06)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BURKHART GROB LUFT-UND-RAUMFAHRT GmbH and Co. KG, Model G 103 C Twin III SL Sailplanes" ((RIN2120-AA64)(Docket No. 2005-CE-16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (53)" ((RIN2120-AA65)(Amdt. No. 3172)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (33)" ((RIN2120-AA65)(Amdt. No. 3167)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (11)" ((RIN2120-AA65)(Amdt. No. 3166)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (27)" ((RIN2120-AA63)(Amdt. No. 461)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scottsbluff, Western Nebraska Regional Airport/William B. Heilig Field, NE" ((RIN2120-AA66)(Docket No. 06-ACE-5)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Eastman, GA; Correction" ((RIN2120-AA66)(Docket No. 06-ASO-9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; Model DC-9-81, DC-9-82, DC-9-83, and DC-9-87 Airplanes; Model MD-88 Airplanes; Model MD-90-30 Airplanes; and Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-001)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 Airplanes and Model Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-212)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-099)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB-Fairchild SF340A and SAAB 340B Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-235)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319-100, A320-200, A321-100, and A321-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-087)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-215)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200B, 747-200C, 747-200F, 747-300, 747-400, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-223)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Perryville, AK" ((RIN2120-AA66)(Docket No. 06-AAL-15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Revision of Class E Airspace; Homer, AK" ((RIN2120-AA66)(Docket No. 06-AAL-25)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kodiak, AK" ((RIN2120-AA66)(Docket No. 06-AAL-26)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; St. Michael, AK" ((RIN2120-AA66)(Docket No. 06-AAL-27)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Tok Junction, AK" ((RIN2120-AA66)(Docket No. 06-AAL-28)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area 5601F; Fort Sill, OK" ((RIN2120-AA66)(Docket No. 05-ASW-3)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Castle Airport, Atwater, CA" ((RIN2120-AA66)(Docket No. 06-AWP-15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Alaskan High Altitude Reporting Points; AK" ((RIN2120-AA66)(Docket No. 06-AAL-36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-Designation of VOR Federal Airway V-431; Alaska" ((RIN2120-AA66)(Docket No. 06-AAL-18)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Sheridan, WY" ((RIN2120-AA66)(Docket No. 06-ANM-4)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Using Agency for Restricted Area R2202; Big Delta, AK" ((RIN2120-AA66)(Docket No. 06-AAL-33)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Change of Controlling Agency and Using Agency for Restricted Area R-6608A, B, and C; Quantico, VA" ((RIN2120-AA66)(Docket No. 06-ASO-12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kokhanok, AK" ((RIN2120-AA66)(Docket No. 06-AAL-19)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Iliamna, AK" ((RIN2120-AA66)(Docket No. 06-AAL-21)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Cedar Springs, GA" ((RIN2120-AA66)(Docket No. 06-ASO-15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Hooper Bay, AK" ((RIN2120-AA66)(Docket No. 06-AAL-14)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (23)" ((RIN2120-AA63)(Amdt. No. 464)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (15)" ((RIN2120-AA65)(Amdt. No. 3195)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (46)" ((RIN2120-AA64)(Amdt. No. 3192)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (113)" ((RIN2120-AA65)(Amdt. No. 3196)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22)" ((RIN2120-AA65)(Amdt. No. 3197)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-666. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (45)" ((RIN2120-AA65)(Amdt. No. 3198)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (31)" ((RIN2120-AA65)(Amdt. No. 3199)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Class B Airspace Area; Atlanta, GA" ((RIN2120-AA66)(Docket No. 06-AWA-1)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. Propellers and McCauley Propeller Systems Controllable Propellers" ((RIN2120-AA64)(Docket No. 2005-NE-01)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-42)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, PW4090-3, and PW4098 and Turbofan Engines" ((RIN2120-AA64)(Docket No. 2006-NE-13)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10 Series Airplanes; DC-9-20 Series Airplanes; DC-9-30 Series Airplanes; DC-9-40 Series Airplanes; and DC-9-50 Series Airplanes" ((RIN2120-AA64)(Docket No. 2002-NM-349)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-673. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-14)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-674. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135BJ and EMB-145XR Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-675. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-093)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-676. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-143)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-677. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model G-159 Airplanes" ((RIN2120-AA64)(Docket No. 96-NM-143)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-678. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (28)" ((RIN2120-AA63)(Amdt. No. 465)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-679. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Ft. Riley, KS" ((RIN2120-AA66)(Docket No. 06-ACE-9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-680. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135ER and -135KE Airplanes; and Model EMB-145, -145ER, -145MR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-095)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-681. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 500 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-019)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-682. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11F Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-220)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-683. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L-1011 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-123)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-684. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE

Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-137)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-685. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-116)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-686. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-234)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-687. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2001-NM-381)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-688. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Model AT-602 Airplanes" ((RIN2120-AA64)(Docket No. 2004-CE-50)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-689. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. AG Model STEMME S10-VT Sailplanes" ((RIN2120-AA64)(Docket No. 2006-CE-32)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-690. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 750 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-229)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-691. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-253)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-692. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Using Agency for Restricted Areas R-3008A, B, C, and D; Grand Bay Weapons Range, GA" ((RIN2120-AA64)(Docket No. 06-ASO-16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-693. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Establishment of Class D Airspace; Heart of Georgia Regional Airport, Eastman, GA" ((RIN2120-AA66)(Docket No. 06-ASO-9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-694. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Jet Route and Colored Federal Airways; Alaska" ((RIN2120-AA66)(Docket No. 06-AAL-32)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-695. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bethel Regional Airport, ME" ((RIN2120-AA66)(Docket No. 06-ANE-02)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Newton Field, ME" ((RIN2120-AA66)(Docket No. 06-ANE-01)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Mountain Home, ID" ((RIN2120-AA66)(Docket No. 06-AWP-4)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Honolulu International Airport, HI" ((RIN2120-AA66)(Docket No. 06-AWP-9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-134)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines" ((RIN2120-AA64)(Docket No. 2006-NE-29)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B300, and B300C Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-34)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes, Equipped with General Electric CF6-50 Series Engines" ((RIN2120-

AA64)(Docket No. 2006-NM-075)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-205)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines" ((RIN2120-AA64)(Docket No. 99-NE-12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-136)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce, plc RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines" ((RIN2120-AA64)(Docket No. 2006-NE-30)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-086)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-138)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 750 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-231)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers R321/4-82-F/8; R324/4-82-F/9; R333/4-82-F/12; and R334/4-82-F/13 Propellers" ((RIN2120-AA64)(Docket No. 2006-NE-40)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-

57)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Societe de Motorisations Aeronautiques SR305-230 and SR305-230-1 Reciprocating Engines" ((RIN2120-AA64)(Docket No. 2006-NE-36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (43)" ((RIN2120-AA65)(Amdt. No. 3193)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27)" ((RIN2120-AA65)(Amdt. No. 3194)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-502, AT-502A, AT-502B, AT-602, AT-802, and AT-802A Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-37)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-174)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Secretary, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Notice Announcing 2007 Adjusted Thresholds for Clayton Act 7A" (RIN3084-AA91) received on February 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Attorney Advisor, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137-AE16) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emergency Procedures for Public Transportation Systems" (RIN2132-AA89) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Regulation Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards" (RIN2125-AF16) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Gen. George W. Casey, Jr. to be General.

Navy nomination of Adm. William J. Fallon to be Admiral.

Air Force nomination of Brig. Gen. Thomas W. Travis to be Major General.

Air Force nomination of Col. David H. Cyr to be Brigadier General.

Air Force nomination of Col. Douglas J. Robb to be Brigadier General.

Air Force nominations beginning with Brigadier General Frank J. Casserino and ending with Colonel John T. Winters, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nomination of Lt. Gen. James M. Dubik to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Michael D. Jacobson and ending with Terrill L. Tops, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Air Force nominations beginning with Stuart C. Calle and ending with Edwin O. Rodriguezpagan, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

By Mr. ROCKEFELLER for the Select Committee on Intelligence.

\*J. Michael McConnell, of Virginia, to be Director of National Intelligence.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. SCHUMER (for himself, Mrs. CLINTON, Mr. BUNNING, and Mr. BYRD):

S. 491. A bill to clarify the rules of origin for certain textile and apparel products; to the Committee on Finance.

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

S. 492. A bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other

purposes; to the Committee on Foreign Relations.

By Mrs. BOXER:

S. 493. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 494. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. SANDERS):

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mrs.

CLINTON, Mr. WARNER, Mr. BYRD, Mr. LOTT, Mr. BROWN, Mr. COCHRAN, Mr. SCHUMER, Mr. BURR, Mr. CARDIN, Ms. MIKULSKI, Mrs. DOLE, Mr. ALEXANDER, Mr. SHELBY, and Mr. GRAHAM):

S. 496. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 497. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 498. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 499. A bill to amend the Internal Revenue Code of 1986 to allow section 1031 treatment for exchanges involving certain mutual ditch, reservoir, or irrigation company stock; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr.

MARTINEZ, Mr. MENENDEZ, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SCHUMER, Mr. BROWN, Mr. FEINGOLD, and Mrs. CLINTON):

S. 500. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL:

S. 501. A bill to the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mr.



SMITH, Mr. BUNNING, Mr. ENSIGN, Mr. CRAIG, Mr. VITTER, Mr. DEMINT, Mr. SUNUNU, Mr. BURR, Mr. ENZI, Mr. ROBERTS, Mr. BOND, Mr. ALLARD, and Mr. HAGEL);

S. 502. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates; to the Committee on Finance.

By Mrs. DOLE (for herself, Mr. NELSON of Florida, Mr. BURR, Mr. GRAHAM, Mr. CHAMBLISS, Mr. ISAKSON, Mr. LOTT, Mr. COCHRAN, and Mr. MARTINEZ):

S. 503. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH:

S. 504. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COLEMAN, Mr. VITTER, Mr. SMITH, and Mr. NELSON of Nebraska):

S. 505. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, and Mrs. BOXER):

S. 506. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Ms. COLLINS, Ms. CANTWELL, and Mr. DURBIN):

S. 507. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. GRASSLEY:

S. 508. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE (for himself, Mr. STEVENS, Mr. ROCKEFELLER, Mr. LOTT, and Mr. LAUTENBERG):

S. 509. A bill to provide improved aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU:

S. Res. 72. A resolution acknowledging the severity of the wetland loss occurring in Louisiana and supporting the observance of World Wetlands Day in the United States; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. STEVENS, Mrs. DOLE, Mrs. HUTCHISON, Mr. VITTER, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, and Mr. REID):

S. Res. 73. A resolution designating February 6, 2007, as "Ronald Reagan Day"; considered and agreed to.

By Ms. LANDRIEU:

S. Con. Res. 9. A concurrent resolution celebrating the contributions of the architectural profession during "National Architecture Week"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 254

At the request of Mr. ENZI, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 367

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 367, a bill to amend

the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 430

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 435

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 435, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 439

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

S. 450

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

S. 479

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. RES. 70

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 70, a resolution expressing the

sense of the Senate that the Commander of Multinational Forces-Iraq and all United States personnel under his command should receive from Congress the full support necessary to carry out the United States mission in Iraq.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 494. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the "NATO Freedom Consolidation Act of 2007". Last year this legislation passed the Senate by unanimous consent. Unfortunately, the House was unable to act prior to adjournment last year.

I was pleased that thirteen of my colleagues, including Senators BIDEN, CHAMBLISS, COLEMAN, DODD, HAGEL, HUTCHISON, MARTINEZ, MCCAIN, SMITH, and SUNUNU, joined me in proposing this important legislation.

The goal of this bill is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In particular, the legislation calls for the timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to NATO and authorizes security assistance for these countries in Fiscal Year 2008. Each of these countries has clearly stated its desire to join NATO and is working hard to meet the specified requirements for membership.

I believe that eventual NATO membership for these five countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security. Albania, Croatia, and Macedonia have been making progress on reforms through their participation in the NATO Membership Action Plan since 2002. Unfortunately, Georgia and Ukraine have not yet been granted a Membership Action Plan but nevertheless have made remarkable progress. This legislation will provide important incentives and assistance to the countries to continue the implementation of democratic, defense, and economic reforms.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. There is strong support among members for NATO's operation in Afghanistan, and for its training mission in Iraq. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the pre-eminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. Georgia is a young democracy that has made tremendous progress since the "Rose Revolution." It is situated in a critical geo-strategic location and is host to a large portion of the Baku-Tbilisi-Ceyhan pipeline that carries important energy resources to the West from Azerbaijan and, in the future, Kazakhstan. Georgia is resisting pressure from breakaway republics backed by Moscow. In the past, border disputes have been identified as reasons a country may not be invited to join NATO. But in this case, Russia's action, not Georgia's, are frustrating Tbilisi's NATO aspirations.

Three years ago, the United States Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members, and to offer timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to NATO.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. SANDERS):

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to join Senator SPECTER in reintroducing the Leahy-Specter Personal Data Privacy and Security Act. This is a comprehensive data privacy package aimed at better protecting Americans' privacy. Senator SPECTER has been a valuable partner on this, and I also thank Majority Leader REID for his leadership and commitment to enacting data privacy legislation this year.

When Senator SPECTER and I introduced this bill in 2005, we had high hopes of bringing urgently needed data privacy reforms to the American people. The Judiciary Committee reported this bill favorably in November of 2005, but with the last Congress, it simply sat on the calendar. The leadership would not bring it forward.

The irony is while they refused to bring it forward, the problems of data

breaches remained a persistent and pernicious threat to Americans' privacy. Yesterday we learned that the Department of Veterans Affairs has lost a portable hard drive containing the sensitive personal information on as many as 48,000 veterans. I can imagine what the veterans in my State feel about that. I can imagine what the veterans in Montana feel about that.

Last week, there was a major data breach involving a State computer server in my home State of Vermont. It jeopardized the financial data of at least 69,000 Vermonters whose personal financial information had been stored on the computer used by the Vermont Agency of Human Services. Can you imagine 69,000 people, in a State of barely over 600,000 people.

This is not unique to Vermont. Last month mega retailer TJX disclosed that it suffered a major computer breach involving credit and debt card purchases involving possibly hundreds of thousands of American consumers. And, even as disturbing as that is, while they knew about the breach in mid-December, none of those customers were told about it until a month later. It is as if a thief had gone to each one of their houses and stolen their data.

Of course, all of this comes on the heels of the theft of the personal data of 26.5 million of our veterans and active-duty personnel at the VA last year. Think about this: You are a man or a woman serving your country in Afghanistan or Iraq, and this information is stolen—with data about where you live and what family members are left at home while you are overseas. How do you think that makes you feel?

According to the Privacy Rights Clearinghouse, more than 100 million records containing sensitive personal information have been involved in data security breaches since 2005. We need strong Federal data privacy and security laws to protect Americans' personal data, and to address the ills of lax data security.

Our bill requires that data brokers let consumers know what sensitive personal information they have about them and to allow individuals to correct this. It is a simple matter of fairness. There is a clear precedent for our approach in the credit reporting context. Our bill also requires that companies who have databases with sensitive personal information about Americans establish and implement data privacy and security programs. In the information age, any company that wants to be trusted by the public must earn that trust by vigilantly protecting the databases that they use and maintain. In addition, our bill requires notice when sensitive personal information has been compromised. The American people need to know when they may be exposed to a data breach. Whether it is a government agency or a private company, if they lose your sensitive information, your Social Security number, your address, or anything about you,

you have a right to know. If they are holding that information about you, and they lose it, you have the right to know it has been lost.

We also have tough criminal penalties for anyone who would intentionally or willfully conceal the fact that a data breach has occurred when that breach causes economic damage to consumers.

Then finally, we address the important issue of the Government's use of personal data. This would require Federal agencies to notify affected individuals when Government data breaches occur.

We should never have to worry about our Government having this information on us and losing it, but certainly in the last 2 or 3 years, we have seen so many millions of files that have been lost or put in jeopardy. We live in a world in which our Government also is increasingly turning to the private sector to get personal data that they, in some instances, couldn't legally get on their own. To address this, our bill puts protecting Americans' privacy first and foremost: Government data has to be protected and we have to know if the Government falls down on the job.

This is a comprehensive bill. It not only deals with the need to provide Americans notice when they have been victims of a data breach, it also deals with the underlying problems of lack of security and lack of accountability to prevent data breaches from occurring in the first place.

Today, Americans live in a world where their most sensitive personal information can be accessed and sold to the highest bidder with a few keystrokes on their computer. Our privacy laws greatly lag behind both the capabilities of our technology and the cunning of identity thieves. This legislation closes that gap. I commend the leadership for being willing to bring up our data privacy bill. I wish that the leadership in the last Congress had brought this bill up last year. But, I am glad that the new leadership will do so this year.

For the sake of all Americans, I urge all Senators to support this legislation and to act now to pass comprehensive data privacy and security legislation.

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

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

S. 495

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Personal Data Privacy and Security Act of 2007".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

Sec. 101. Organized criminal activity in connection with unauthorized access to personally identifiable information.

Sec. 102. Concealment of security breaches involving sensitive personally identifiable information.

Sec. 103. Review and amendment of Federal sentencing guidelines related to fraudulent access to or misuse of digitized or electronic personally identifiable information.

#### TITLE II—DATA BROKERS

Sec. 201. Transparency and accuracy of data collection.

Sec. 202. Enforcement.

Sec. 203. Relation to State laws.

Sec. 204. Effective date.

#### TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

##### Subtitle A—A Data Privacy and Security Program

Sec. 301. Purpose and applicability of data privacy and security program.

Sec. 302. Requirements for a personal data privacy and security program.

Sec. 303. Enforcement.

Sec. 304. Relation to other laws.

##### Subtitle B—Security Breach Notification

Sec. 311. Notice to individuals.

Sec. 312. Exemptions.

Sec. 313. Methods of notice.

Sec. 314. Content of notification.

Sec. 315. Coordination of notification with credit reporting agencies.

Sec. 316. Notice to law enforcement.

Sec. 317. Enforcement.

Sec. 318. Enforcement by State attorneys general.

Sec. 319. Effect on Federal and State law.

Sec. 320. Authorization of appropriations.

Sec. 321. Reporting on risk assessment exemptions.

Sec. 322. Effective date.

##### TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

Sec. 401. General Services Administration review of contracts.

Sec. 402. Requirement to audit information security practices of contractors and third party business entities.

Sec. 403. Privacy impact assessment of government use of commercial information services containing personally identifiable information.

Sec. 404. Implementation of chief privacy officer requirements.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the nation's economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and

confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, non-profit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to insure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **AGENCY.**—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) **AFFILIATE.**—The term "affiliate" means persons related by common ownership or by corporate control.

(3) **BUSINESS ENTITY.**—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) **IDENTITY THEFT.**—The term "identity theft" means a violation of section 1028 of title 18, United States Code.

(5) **DATA BROKER.**—The term "data broker" means a business entity which for monetary fees or dues regularly engages in the practice of collecting, transmitting, or providing access to sensitive personally identifiable information on more than 5,000 individuals who are not the customers or employees of that business entity or affiliate primarily for the purposes of providing such information to nonaffiliated third parties on an interstate basis.

(6) **DATA FURNISHER.**—The term "data furnisher" means any agency, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or nonprofit that serves as a source of information for a data broker.

(7) **PERSONAL ELECTRONIC RECORD.**—

(A) **IN GENERAL.**—The term "personal electronic record" means data associated with an individual contained in a database, networked or integrated databases, or other data system that holds sensitive personally identifiable information of that individual and is provided to nonaffiliated third parties.

(B) **EXCLUSIONS.**—The term "personal electronic record" does not include—

(i) any data related to an individual's past purchases of consumer goods; or

(ii) any proprietary assessment or evaluation of an individual or any proprietary assessment or evaluation of information about an individual.

(8) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(9) **PUBLIC RECORD SOURCE.**—The term “public record source” means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(10) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record, or information derived from a single public record, not otherwise subject to confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(11) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes—

(A) an individual’s first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver’s license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother’s maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services, or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

## **TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY**

### **SEC. 101. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030(a)(2)(D) (relating to fraud and related activity in connection with unauthorized access to sensitive personally identifiable information as defined in the Personal Data Privacy and Security Act of 2007,” before “section 1084”.

### **SEC. 102. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

#### **“§ 1040. Concealment of security breaches involving sensitive personally identifiable information**

“(a) Whoever, having knowledge of a security breach and of the obligation to provide notice of such breach to individuals under title III of the Personal Data Privacy and Security Act of 2007, and having not otherwise qualified for an exemption from providing notice under section 312 of such Act, intentionally and willfully conceals the fact of such security breach and which breach causes economic damage to 1 or more persons, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of title 18, United States Code.

“(c) Any person seeking an exemption under section 312(b) of the Personal Data Privacy and Security Act of 2007 shall be immune from prosecution under this section if the United States Secret Service does not indicate, in writing, that such notice be given under section 312(b)(3) of such Act”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1040. Concealment of security breaches involving personally identifiable information.”

(c) **ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The United States Secret Service shall have the authority to investigate offenses under this section.

(2) **NON-EXCLUSIVITY.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

### **SEC. 103. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO FRAUDULENT ACCESS TO OR MISUSE OF DIGITIZED OR ELECTRONIC PERSONALLY IDENTIFIABLE INFORMATION.**

(a) **REVIEW AND AMENDMENT.**—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, digitized or electronic personally identifiable information, including identity theft or any offense under—

(1) sections 1028, 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; and

(2) any other relevant provision.

(b) **REQUIREMENTS.**—In carrying out the requirements of this section, the United States Sentencing Commission shall—

(1) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(A) the serious nature of the offenses and penalties referred to in this Act;

(B) the growing incidences of theft and misuse of digitized or electronic personally identifiable information, including identity theft; and

(C) the need to deter, prevent, and punish such offenses;

(2) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address violations of the sections amended by this Act to—

(A) sufficiently deter and punish such offenses; and

(B) adequately reflect the enhanced penalties established under this Act;

(3) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves—

(A) the online sale of fraudulently obtained or stolen personally identifiable information;

(B) the sale of fraudulently obtained or stolen personally identifiable information to an individual who is engaged in terrorist activity or aiding other individuals engaged in terrorist activity; or

(C) the sale of fraudulently obtained or stolen personally identifiable information to finance terrorist activity or other criminal activities;

(6) make any necessary conforming changes to the Federal sentencing guidelines to ensure that such guidelines (including its policy statements) as described in subsection (a) are sufficiently stringent to deter, and adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) **EMERGENCY AUTHORITY TO SENTENCING COMMISSION.**—The United States Sentencing Commission may, as soon as practicable, promulgate amendments under this section in accordance with procedures established in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that Act had not expired.

## **TITLE II—DATA BROKERS**

### **SEC. 201. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.**

(a) **IN GENERAL.**—Data brokers engaging in interstate commerce are subject to the requirements of this title for any product or service offered to third parties that allows access or use of sensitive personally identifiable information.

(b) **LIMITATION.**—Notwithstanding any other provision of this title, this section shall not apply to—

(1) any product or service offered by a data broker engaging in interstate commerce where such product or service is currently subject to, and in compliance with, access and accuracy protections similar to those under subsections (c) through (f) of this section under the Fair Credit Reporting Act (Public Law 91-508);

(2) any data broker that is subject to regulation under the Gramm-Leach-Bliley Act (Public Law 106-102);

(3) any data broker currently subject to and in compliance with the data security requirements for such entities under the Health Insurance Portability and Accountability Act (Public Law 104-191), and its implementing regulations;

(4) information in a personal electronic record that—

(A) the data broker has identified as inaccurate, but maintains for the purpose of aiding the data broker in preventing inaccurate information from entering an individual’s personal electronic record; and

(B) is not maintained primarily for the purpose of transmitting or otherwise providing that information, or assessments based on that information, to non-affiliated third parties; and

(5) information concerning proprietary methodologies, techniques, scores, or algorithms relating to fraud prevention not normally provided to third parties in the ordinary course of business.

(C) DISCLOSURES TO INDIVIDUALS.—

(1) IN GENERAL.—A data broker shall, upon the request of an individual, disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained specifically for disclosure to third parties that request information on that individual in the ordinary course of business in the databases or systems of the data broker at the time of such request.

(2) INFORMATION ON HOW TO CORRECT INACCURACIES.—The disclosures required under paragraph (1) shall also include guidance to individuals on procedures for correcting inaccuracies.

(D) ACCURACY RESOLUTION PROCESS.—

(1) INFORMATION FROM A PUBLIC RECORD OR LICENSOR.—

(A) IN GENERAL.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information disclosed to such individual under subsection (c) that is obtained from a public record source or a license agreement, such data broker shall determine within 30 days whether the information in its system accurately and completely records the information available from the public record source or licensor.

(B) DATA BROKER ACTIONS.—If a data broker determines under subparagraph (A) that the information in its systems does not accurately and completely record the information available from a public record source or licensor, the data broker shall—

(i) correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) provide such individual with the contact information of the public record or licensor.

(2) INFORMATION NOT FROM A PUBLIC RECORD SOURCE OR LICENSOR.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information not from a public record or licensor that was disclosed to the individual under subsection (c), the data broker shall, within 30 days of receiving notice of such dispute—

(A) review and consider free of charge any information submitted by such individual that is relevant to the completeness or accuracy of the disputed information; and

(B) correct any information found to be incomplete or inaccurate and provide notice to such individual of whether and what information was corrected, if any.

(3) EXTENSION OF REVIEW PERIOD.—The 30-day period described in paragraph (1) may be extended for not more than 30 additional days if a data broker receives information from the individual during the initial 30-day period that is relevant to the completeness or accuracy of any disputed information.

(4) NOTICE IDENTIFYING THE DATA FURNISHER.—If the completeness or accuracy of any information not from a public record source or licensor that was disclosed to an individual under subsection (c) is disputed by such individual, the data broker shall provide, upon the request of such individual, the contact information of any data furnisher that provided the disputed information.

(5) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) through (3), a data broker may decline to investigate or terminate a review of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or intended to perpetrate fraud.

(B) NOTICE.—A data broker shall notify an individual of a determination under subparagraph (A) within a reasonable time by any means available to such data broker.

**SEC. 202. ENFORCEMENT.**

(a) CIVIL PENALTIES.—

(1) PENALTIES.—Any data broker that violates the provisions of section 201 shall be subject to civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A data broker that intentionally or willfully violates the provisions of section 201 shall be subject to additional penalties in the amount of \$1,000 per violation per day, to a maximum of an additional \$250,000 per violation, while such violations persist.

(3) EQUITABLE RELIEF.—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any data broker shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Federal Trade Commission has instituted a pro-

ceeding or civil action for a violation of this title, no attorney general of a State may, during the pendency of such proceeding or civil action, bring an action under this subsection against any defendant named in such civil action for any violation that is alleged in that civil action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a data broker for violation of any provision of this title.

**SEC. 203. RELATION TO STATE LAWS.**

No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 201, relating to individual access to, and correction of, personal electronic records held by data brokers.

**SEC. 204. EFFECTIVE DATE.**

This title shall take effect 180 days after the date of enactment of this Act.

**TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION**

**Subtitle A—A Data Privacy and Security Program**

**SEC. 301. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.**

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 302 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) subject to—

(i) examinations for compliance with the requirements of this Act by a Federal Functional Regulator or State Insurance Authority (as those terms are defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(ii) compliance with part 314 of title 16, Code of Federal Regulations.

(2) HIPPA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity is acting as a “business associate” as that term is defined in the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with requirements imposed under that Act and its implementing regulations.

(3) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

#### SEC. 302. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this subtitle shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rule-making process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifiable information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could result in substantial harm or inconvenience to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized

access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations); and

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information.

(b) TRAINING.—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) VULNERABILITY TESTING.—

(1) IN GENERAL.—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) FREQUENCY.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) RELATIONSHIP TO SERVICE PROVIDERS.—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to section 301, this section, and subtitle B.

(e) PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) IMPLEMENTATION TIME LINE.—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

#### SEC. 303. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any business entity that violates the provisions of sections 301 or 302 shall be subject to civil penalties of not more than \$5,000 per violation per day while such a violation exists, with a maximum of \$500,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A business entity that intentionally or willfully violates the provisions of sections 301 or 302 shall be subject to additional penalties in the amount of \$5,000 per violation per day while such a violation exists, with a maximum of an additional \$500,000 per violation.

(3) EQUITABLE RELIEF.—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any data broker shall have the provisions of this subtitle enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than \$5,000 per violation per day while such violations persist, up to a maximum of \$500,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the



written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) **FEDERAL TRADE COMMISSION AUTHORITY.**—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Federal Trade Commission has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1) nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

#### **SEC. 304. RELATION TO OTHER LAWS.**

(a) **IN GENERAL.**—No State may require any business entity subject to this subtitle to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of sensitive personally identifying information.

(b) **LIMITATIONS.**—Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

#### **Subtitle B—Security Breach Notification**

##### **SEC. 311. NOTICE TO INDIVIDUALS.**

(a) **IN GENERAL.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of the systems or databases of such agency or business entity notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) **OBLIGATION OF OWNER OR LICENSEE.**—

(1) **NOTICE TO OWNER OR LICENSEE.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) **NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.**—Nothing in this subtitle shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) **BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.**—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) **REASONABLE DELAY.**—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) **BURDEN OF PROOF.**—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this subtitle, including evidence demonstrating the reasons for any delay.

(d) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.**—

(1) **IN GENERAL.**—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) **EXTENDED DELAY OF NOTIFICATION.**—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) **LAW ENFORCEMENT IMMUNITY.**—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

##### **SEC. 312. EXEMPTIONS.**

(a) **EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 311 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 311 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) **LIMITS ON CERTIFICATIONS.**—An agency may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) **NOTICE.**—In every case in which an agency issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the cer-

tification, shall be immediately provided to the United States Secret Service.

(b) **SAFE HARBOR.**—An agency or business entity will be exempt from the notice requirements under section 311, if—

(1) a risk assessment concludes that there is no significant risk that the security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach;

(2) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the United States Secret Service, the agency or business entity notifies the United States Secret Service, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service does not indicate, in writing, within 10 days from receipt of the decision, that notice should be given.

(c) **FINANCIAL FRAUD PREVENTION EXEMPTION.**—

(1) **IN GENERAL.**—A business entity will be exempt from the notice requirement under section 311 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) **LIMITATION.**—The exemption by this subsection does not apply if the information subject to the security breach includes sensitive personally identifiable information in addition to the sensitive personally identifiable information identified in section 3.

##### **SEC. 313. METHODS OF NOTICE.**

An agency, or business entity shall be in compliance with section 311 if it provides both:

(1) **INDIVIDUAL NOTICE.**—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) Telephone notice to the individual personally; or

(C) Electronic notice, if the primary method used by the agency or business entity to communicate with the individual is by electronic means, or the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) **MEDIA NOTICE.**—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

##### **SEC. 314. CONTENT OF NOTIFICATION.**

(a) **IN GENERAL.**—Regardless of the method by which notice is provided to individuals under section 313, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number or, if the primary method used by the agency or business entity to communicate with the individual is by electronic means, an electronic mail address—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 319, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

**SEC. 315. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.**

If an agency or business entity is required to provide notification to more than 1,000 individuals under section 311(a), the agency or business entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices.

**SEC. 316. NOTICE TO LAW ENFORCEMENT.**

(a) **SECRET SERVICE.**—Any business entity or agency shall give notice of a security breach to the United States Secret Service if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) **NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.**—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) **14-DAY RULE.**—The notices to Federal law enforcement and the attorney general of each State affected by a security breach required under this section shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

**SEC. 317. ENFORCEMENT.**

(a) **CIVIL ACTIONS BY THE ATTORNEY GENERAL.**—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this subtitle and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or ac-

quired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) **INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this subtitle, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this subtitle.

(2) **ISSUANCE OF ORDER.**—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this subtitle.

(c) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(d) **FRAUD ALERT.**—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

**SEC. 318. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle; or

(C) civil penalties of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) **FEDERAL PROCEEDINGS.**—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 317 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) **PENDING PROCEEDINGS.**—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—

(1) **VENUE.**—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

**SEC. 319. EFFECT ON FEDERAL AND STATE LAW.**

The provisions of this subtitle shall supersede any other provision of Federal law or any provision of law of any State relating to notification of a security breach, except as provided in section 314(b).

**SEC. 320. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

**SEC. 321. REPORTING ON RISK ASSESSMENT EXEMPTIONS.**

The United States Secret Service shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 312(b) and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 312(a), provided that such report may not disclose the contents of any risk assessment provided to the United States Secret Service pursuant to this subtitle.

**SEC. 322. EFFECTIVE DATE.**

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

# **TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA**

## **SEC. 401. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.**

(a) IN GENERAL.—In considering contract awards totaling more than \$500,000 and entered into after the date of enactment of this Act with data brokers, the Administrator of the General Services Administration shall evaluate—

(1) the data privacy and security program of a data broker to ensure the privacy and security of data containing personally identifiable information, including whether such program adequately addresses privacy and security threats created by malicious software or code, or the use of peer-to-peer file sharing software;

(2) the compliance of a data broker with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a data broker have been compromised by security breaches; and

(4) the response by a data broker to such breaches, including the efforts by such data broker to mitigate the impact of such security breaches.

(b) COMPLIANCE SAFE HARBOR.—The data privacy and security program of a data broker shall be deemed sufficient for the purposes of subsection (a), if the data broker complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of personally identifiable information involved in the ordinary course of business of such data broker.

(c) PENALTIES.—In awarding contracts with data brokers for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall—

(1) include monetary or other penalties—

(A) for failure to comply with subtitles A and B of title III; or

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; and

(2) require a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(A) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(B) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(C) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(d) LIMITATION.—The penalties under subsection (c) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source or licensor.

## **SEC. 402. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.**

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) procedures for evaluating and auditing the information security practices of con-

tractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information (as that term is defined in section 3 of the Personal Data Privacy and Security Act of 2007) and ensuring remedial action to address any significant deficiencies.”.

## **SEC. 403. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.**

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking “or”; and

(2) in subparagraph (A)(ii), by striking the period and inserting “; or”; and

(3) by inserting after clause (ii) the following:

“(iii) purchasing or subscribing for a fee to personally identifiable information from a data broker (as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2007).”.

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 1 year after the date of enactment of this Act, no Federal agency may enter into a contract with a data broker to access for a fee any database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall subject to the provision in that Act pertaining to sensitive information, include a description of—

(A) such database;

(B) the name of the data broker from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access, analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement totaling more than \$500,000, provisions—

(A) providing for penalties—

(i) for failure to comply with title III of this Act; or

(ii) if the entity knows or has reason to know that the personally identifiable infor-

mation being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; and

(B) requiring a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(i) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(ii) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(iii) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(c) LIMITATION ON PENALTIES.—The penalties under subsection (b)(3)(A) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency use of data brokers or commercial databases containing personally identifiable information, including the impact on privacy and security, and the extent to which Federal contracts include sufficient provisions to ensure privacy and security protections, and penalties for failures in privacy and security practices.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

## **SEC. 404. IMPLEMENTATION OF CHIEF PRIVACY OFFICER REQUIREMENTS.**

(a) DESIGNATION OF THE CHIEF PRIVACY OFFICER.—Pursuant to the requirements under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108-447; 118 Stat. 3199) that each agency designate a Chief Privacy Officer, the Department of Justice shall implement such requirements by designating a department-wide Chief Privacy Officer, whose primary role shall be to fulfill the duties and responsibilities of Chief Privacy Officer and who shall report directly to the Deputy Attorney General.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF PRIVACY OFFICER.—In addition to the duties and responsibilities outlined under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108-447; 118 Stat. 3199), the Department of Justice Chief Privacy Officer shall—

(1) oversee the Department of Justice's implementation of the requirements under section 403 to conduct privacy impact assessments of the use of commercial data containing personally identifiable information by the Department; and

(2) coordinate with the Privacy and Civil Liberties Oversight Board, established in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), in implementing this section.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Personal Data Privacy and Security Act of 2007, which I am introducing with Senator LEAHY. Not long ago, personal information—Social Security numbers, birthdates, mothers' maiden names, addresses—all remained relatively private. Some information—for example,

whether you had a mortgage on your home—might have been publicly available, but finding that information required a trip to the local courthouse. For the most part, the sheer difficulty of obtaining personal information kept it private. This privacy—what Justice Brandeis called the freedom to be left alone—has been a cherished value throughout American history.

As everyday transactions increasingly occur electronically, personal information can be stored, transmitted and accessed much more easily. Most Americans have benefited from this change. Because personal information is available electronically, Americans enjoy the convenience of purchasing goods over the phone or on the Internet. They can obtain a home mortgage in a matter of hours. They can apply for a credit card while they wait at the store. The availability of such information also helps law enforcement agencies conduct investigations and apprehend criminals.

In electronic form, personal information is both more valuable and more vulnerable. As the multitude of security breaches that have occurred over the past 2 years demonstrate, electronic information is more vulnerable because it can be accessed anonymously from afar and can be stolen in a split second. According to the Privacy Rights Clearing House, since February 2005, over 100 million records containing personal information have been subject to some sort of security breach. The first of these incidents to come to light involved commercial data broker ChoicePoint, which in February 2005 reported that identity thieves had gained access to personal information of 163,000 people. The identity thieves had obtained the information by setting up sham accounts with ChoicePoint. ChoicePoint eventually settled with the FTC for \$15 million, including \$5 million for consumer redress. However, consumers might never have found out about the breach. The incident only came to light because of a law California had recently adopted requiring ChoicePoint and others to provide notice of security breaches involving personal information to California residents who were affected by the breach. As a result of the California law, Americans for the first time began learning that data brokers and others were routinely collecting and selling their personal information, and in so doing, they were not always keeping the information secure.

After the ChoicePoint incident came a long series of security breaches involving major American companies. In March of 2005, Designer Shoe Warehouse reported that hackers had gained access to personal information, including credit card numbers, on over 100,000 of its customers. Weeks later, Lexis Nexis reported that hackers had gained access to the personal information of over 300,000 individuals. Other blue-chip companies where unauthorized persons have gained access to personal

information include Wal-Mart, General Motors, Wachovia Bank, H&R Block, Honeywell, AT&T, Lloyd's of London, ARCO, Visa, MasterCard, Bank of America, FedEx, OfficeMax, Blue Cross Blue Shield and Ralph Lauren. The largest incident came in June 2005, when Card Systems, which processes payments for the country's largest banks and credit card companies, reported that hackers had accessed 40 million records containing personal information. Most recently, TJ Maxx Stores and MoneyGram both had the personal information of their customers stolen from their computer systems. This list only includes security breaches involving wrong-doers who were trying to obtain personal information. The list would be much longer had it included inadvertent disclosure of personal information or incidents involving stolen computers or other equipment that happened to contain personal information.

A large number of colleges and universities have also suffered significant breaches, including the University of Southern California, which in July of 2005 reported that hackers has accessed 270,000 records containing personal data. Other educational institutions that have been hacked include Boston College, Northwestern University, Tufts University, UCLA, Michigan State, Carnegie Mellon, Purdue, Stanford, Duke, the University of Iowa, the University of Colorado, and the University of Utah.

Governments also have not been immune from attempts by identity thieves to obtain personal information. Hackers have accessed personal data at the Department of Defense, Department of Energy, the Air Force and the Department of Agriculture. Hackers obtained over half a million records containing personal data from a State agency in Georgia. The San Diego County Employees Retirement Association, the California Department of Corrections, the Nebraska Treasurers office, the city of Lubbock, TX, and a Women, Infants and Children (WIC) program in Hawaii have all been the victims of similar thefts.

Electronic personal data is more valuable because identity thieves can steal a large volume of data and use it before anyone even knows their personal information has been compromised. For the last 5 years, identity theft has topped the FTC's list of consumer complaints. From 2002 to 2004, the number of complaints rose 52 percent, to 246,570. Put another way, that's one complaint every 2 minutes. But this is only the tip of the iceberg. Not all consumers report identity theft to the FTC. Not all victims report identity theft to their local police. Sixty percent of those who did file a report with the FTC did not call their local police department. It stands to reason that many did not call the FTC.

A recent study by the Better Business Bureau concluded that 8.9 million Americans were victims of identity

fraud in 2006, and that each victim lost approximately \$6,300. Ultimately, it has been predicted that nearly 20 percent of Americans will become victims of identity theft. Worse, according to the study, it took victims an average of 40 hours on the phone with creditors and credit bureaus to clear their names. I use the term "clear" loosely, because in many cases the damage caused by identity theft is irreversible. Victims will have fraud alerts on their credit reports for years to come, making it more difficult for them to open new accounts or make major purchases. Some will be erroneously contacted by collection agencies. Many will not even know they have been victimized until they try to get a car loan or a mortgage on a home.

Individuals who have not yet been victims also suffer. Businesses lose nearly \$50 billion a year from identity thieves posing as customers. These losses translate into increased prices for every consumer. All Americans are victims of identity theft, even if their own information remains secure.

In some cases, the availability of electronic personal data can lead to tragedy. In 1999, a former high school classmate of Amy Lynn Boyer obtained her former work address and Social Security number from an on-line data broker. Using this information, he called Amy's mother and posed as the former employer, convincing Amy's mom to give him Amy's new work address. He then drove to Amy's workplace and fatally shot her.

In an effort to protect the privacy and security of our personal information, and prevent future tragedies, small and large, last Congress, Senator LEAHY and I introduced the Personal Data Privacy and Security Act. The problem is one of large proportions and many have views on how to go about tackling it. Six committees, three on the House side and three on the Senate side, introduced legislation last Congress addressing data security. At least two other Senate committees became involved in the issue. It is my hope that the differences among committees and members can be bridged this Congress. The problem is simply too large to ignore.

In an effort to start that process, Senator LEAHY and I are again introducing the Personal Data Privacy and Security Act. We are reintroducing the bill in largely the same form that it was approved by the Judiciary Committee last Congress. The bill takes a comprehensive approach to the problem, an approach I believe is necessary. First, the legislation goes after identity thieves by increasing penalties for crimes involving electronic personal information. It also contains criminal penalties for those who intentionally conceal a security breach involving personal data. Those who actively conceal breaches attempt to protect themselves by gambling with the reputations and finances of innocent Americans. They deserve to be punished.

The bill also empowers Americans to look after the privacy of their own information. The bill will allow individuals to gain access to their personal information when it is in the hands of commercial data brokers. For individuals who believe their information is wrong—possibly because the activities of identity thieves—data brokers must provide assistance with correcting their information.

The legislation also places some of the burden of protecting privacy on those that collect personal information. It will require the companies, government agencies, universities and others that deal with personal information to identify and remedy any weaknesses in their computer systems.

Such measures will not always be enough. As I've already noted, the nature of electronic information makes it vulnerable even when reasonable steps are taken to protect it. Currently, over 30 States have adopted legislation requiring companies, agencies, universities and others to give notice when they experience a security breach that involves personal information. However, no Federal law imposes such a requirement. As a result, companies are forced to comply with over 30 different State laws, an expensive and time-consuming endeavor.

The Personal Data Privacy and Security Act requires that both affected individuals and law enforcement receive notice. Knowledge is power. Once individuals learn that their personal information is exposed, they can take steps to protect themselves. And, the company, school or agency that experienced the breach must help. They must provide individuals whose data was lost with credit monitoring. For large breaches, the media must be notified. Media reports over the 2 years have made Americans far more aware of the problem of security breaches. Hopefully, we can raise awareness by continuing the practice of making public announcements. Notice will also give law enforcement a head start in catching those who steal personal information.

Finally, this legislation will protect the privacy of all Americans by providing a check on the government's use of commercial databases. Federal law enforcement agencies use commercial databases to track criminals and criminal activity. Correctly used, these databases can be very useful tools in the fight against crime. However, there should be some check on their use. The bill makes it clear that protections similar to those provided by the Privacy Act are applied to the government's use of commercial databases. The legislation also aims at making sure the government's use of such data is secure.

This bill represents a comprehensive effort to protect the privacy and security of the personal information of all Americans. The lives of most Americans have been made easier because our personal information is readily avail-

able to those who have a legitimate need for it. This legislation aims to keep such information out of the hands of those who have no legitimate need for it. I want to take a moment to thank my colleague, Senator LEAHY, who has been tireless in his efforts to promote individual privacy. He has long fought these issues on the Senate floor and has been a leader in securing the privacy rights of all Americans. I urge my colleagues to join us in supporting this important legislation.

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of the Personal Data Privacy and Security Act of 2007. This bill is a much-needed solution to the daunting problem of ensuring the privacy and the security of our personal data, which has become such a precious commodity.

Several forces are converging to make our personal information more valuable—and more vulnerable—than ever. The world is digital and so is our personal data. In this day and age, almost everything we do results in a third party creating a digital record about us—digital records that we may not even realize exist. We seek the convenience of opening bank accounts, managing our credit cards, and making major purchases over the Internet. And we often complete these transactions without ever speaking to another person face-to-face or over the telephone. Businesses, nonprofits, and political parties are personalizing their messages, products, and services to a degree we've never seen before, and they are willing to invest significant amounts of money in collecting personal information about potential customers or donors. And we are living in an age where identity-based screening and security programs can be vitally important, resulting in more information being collected about individuals in an attempt to identify them accurately.

As a result, personal information has become a hot commodity that is bought, sold, and—as so often happens when something becomes valuable—stolen.

We are at a crossroads. We all know about the security breaches that have been on the front pages of newspapers. They have placed the identities of hundreds of thousands of Americans at risk. The fear among the American public is so widespread that it has become the basis of an entire ad campaign by a credit card company.

But this is about much more than information security. Until California law required a company named ChoicePoint to notify individuals in 2005 that their information was compromised and that they might be vulnerable to identity theft, many Americans had never heard of ChoicePoint. As news stories focused on the data broker business, many Americans were surprised to discover that companies are creating digital dossiers about them that contain massive amounts of information, and that these companies

sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that Americans need a better understanding of what happens to their information in a digital world—and what kind of consequences they can face as a result.

When I am back home in Wisconsin, I hear from people who do not understand why companies have the right to sell their sensitive personal information. I hear from people who are shocked to discover that personal information about them is available for free on the Internet.

There is no question that data aggregators facilitate societal benefits, allowing consumers to obtain instant credit and personalized services, and allowing police officers to locate suspects. But these companies also gather a great deal of potentially sensitive information about individuals, and in many instances they go largely unregulated.

Too many of my constituents feel that they have lost control over their own information. Congress must return some power to individual Americans so that we can all better understand and manage what happens to our own personal data.

The Personal Data Privacy and Security Act takes a comprehensive approach to the privacy and security problems we face. It gives consumers back some control over their own information. The bill requires data brokers to allow consumers to access their own information and to investigate when consumers tell them that corrections are necessary. And it requires companies to give notice to affected consumers and to law enforcement if there is a serious security breach, so that individuals know their identity may be at risk and can take steps to protect themselves.

In addition, the bill extends existing criminal law to ensure that it covers unauthorized access of data broker systems, as well as concealment of security breaches. It requires companies that buy and sell information to have appropriate data security systems in place. These protections will help safeguard against future privacy violations and security breaches in the commercial data industry. But that is not all this bill accomplishes.

The bill also contains some critically important privacy and security provisions to govern the government's use of commercial data. This is an aspect of the data broker business that has not yet gotten as much attention in the wake of the security breaches over the past few years. The information gathered by these companies is not just sold to individuals and businesses; government agencies of all stripes also buy or subscribe to information from commercial sources. We all remember the discovery in 2005 that the Pentagon had a contract with a marketing firm to analyze commercial and other data about high school and college students.

Although the government should be able to access commercial databases in appropriate circumstances, there are few existing rules or guidelines to ensure this information is used responsibly. Nor are there restrictions on the use of commercial data for powerful, intrusive data mining programs. The Privacy Act, which governs when government agencies themselves are collecting data, likely does not apply because the information is held outside the government and is not gathered solely at government direction.

As a result, there is a great deal we do not know about government use of commercial data, even in clearly appropriate circumstances such as when the agency's goal is simply to locate an individual already suspected of a crime.

We don't know under what circumstances government employees can obtain access to these databases or for what purposes. We don't know how government agencies evaluate the accuracy of the databases to which they subscribe. We don't know how the accuracy level of the data affects government use of the data. We don't know how employees are monitored to ensure they do not abuse their access to these databases. We don't know how those who misuse the information are punished. And we don't know how government agencies, particularly those engaged in sensitive national security investigations, ensure that the data brokers cannot keep records of who the government is investigating, records which themselves could create a huge security risk in light of the vulnerabilities that have come to the forefront in recent months.

That is why I am so pleased that this bill includes provisions to address the government's use of commercial data. A comprehensive approach to data privacy and security would be incomplete without taking on this piece of the puzzle. The bill recognizes there are many legitimate reasons for government agencies to obtain commercially available data, but that they need to be subject to privacy and security protections. It takes a common sense approach, pushing government agencies to take basic steps to ensure that individuals' personal information is secure and only used for legitimate purposes, and that the commercial information the government is paying for and relying on is accurate and complete.

Specifically, the bill would require that federal agencies that subscribe to commercial data adopt standards governing its use. These standards would reflect long-standing basic privacy principles. The bill would ensure that government agencies consider and determine which personnel will be permitted to access the information and under what circumstances; develop retention policies for this personal data and get rid of data they no longer need, minimizing the opportunity for abuse or theft; rely only on accurate and complete data, and penalize vendors

who knowingly provide inaccurate information to the Federal Government; provide individuals who suffer adverse consequences as a result of the agency's reliance on commercial data with a redress mechanism; and establish enforcement mechanisms for those privacy policies.

The bill also directs the General Services Administration to review government contracts for commercial data to make sure that vendors have appropriate security programs in place, and that they do not provide information to the government that they know to be inaccurate. And it requires agencies to audit the information security practices of their vendors.

These are basic good government measures. They guarantee that the Federal Government is not wasting money on inaccurate data and that vendors are undertaking the security programs that they have promised and for which the government is paying.

We live in a new digital world. The law may never fully keep up with technology, but we must make every effort we can. I am proud to be involved in this comprehensive, reasoned approach to privacy and security, and I hope it will move forward in this Congress. I congratulate Senators LEAHY and SPECTER for their excellent work on this bill. This bill is important and it deserves serious consideration.

By Mrs. BOXER:

S. 497. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, today I rise to introduce a bill for myself and Senator FEINSTEIN to allow for subway tunneling in parts of Los Angeles.

In 1985, in response to a methane gas explosion that destroyed a Ross Dress for Less Store in Los Angeles, Representative WAXMAN worked to enact a law that prohibits subway tunneling in his district.

In 2004, the Los Angeles City Council passed a motion in support of reversing the laws banning tunneling. In February 2005, the Los Angeles Metropolitan Transportation Authority board also voted to begin discussions of subway expansion.

As a result, a panel of scientific experts was created to conduct an independent safety review that determined that subway tunneling could move forward safely with new technology.

Representative WAXMAN introduced a bill to lift the Federal tunneling prohibition in the last Congress—where it passed the House—and again in this Congress. Senator FEINSTEIN and I are introducing the same bill in the Senate.

This legislation has the support of Los Angeles Mayor Antonio Villaraigosa and the Los Angeles Metropolitan Transportation Authority.

This bill is necessary to expand the subway, which is extremely important in Los Angeles—a city that ranks time and time again as the most congested region in the country. The Wilshire corridor is densely populated and is a large commercial area. The freeways and streets are filled—we need transit in this area.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 498. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to address the needs of the nearly one-quarter of all Medicare beneficiaries who live in rural America. These beneficiaries are systematically disadvantaged in the Medicare program. The beauty of Medicare is its equity, its universality, and its accessibility. But we have compromised these values by stratifying payments, by under-representing rural voices on the Medicare Payment Advisory Commission, and by continuing to use obsolete payment data that hurts rural America.

First, we must stop indexing physician payments for work based on geographic differences. Rural areas already have a hard enough time recruiting and retaining the Nation's top talent. Currently, even though 25 percent of Medicare beneficiaries live in rural areas, only 10 percent of the Nation's physicians serve them. Lower payments to doctors in these areas only perpetuate this dangerous shortage of medical expertise. We should not be discouraging medical school graduates from moving to underserved rural areas by continuing to offer sub-par pay—in fact, we should be providing incentives to encourage them to work in underserved areas. My legislation proposes a project to help rural facilities to host educators and clinical practitioners in clinical rotations.

Lack of dollars to rural health facilities has also prevented communities from investing in vital information technology. The Institute of Medicine published a report in 2005 detailing the ways in which health IT could assist isolated communities. For example, since rural physicians tend to be generalists rather than specialists, virtual libraries within physician offices would provide both doctors and patients with a wider and deeper source of information at their fingertips. Rural residents can also be quite far from health facilities, so technology that allows emergency room physicians to communicate with EMS workers in an ambulance can help patients receive life-saving treatment before they physically reach the hospital. These kinds of technologies will improve both the quality and efficiency of care given in rural areas. My legislation offers funding for



quality improvement demonstration projects, to allow isolated communities to invest in this otherwise out of reach technology.

Lastly, this legislation will end the disproportionately low representation of rural interests on the Medicare Payment Advisory Commission. This lack of representation has resulted in policies that hurt rural communities. Those policies have hurt—and continue to hurt—the people of my State of Wisconsin, and they hurt my colleague Senator COLLINS' constituents as well. For every dollar that Medicare spends on the average beneficiary in the average State in this country, Medicare spends only 82 cents on a beneficiary in Wisconsin. In Maine, Medicare spends only 80 cents per dollar it spends on the average beneficiary.

How is this the case, if beneficiaries in Wisconsin and in Maine pay the same payroll taxes as beneficiaries in other States? Because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and to much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds we get in return are lower than those received in many other States.

With the guidance and support of people across my State who are fighting for Medicare fairness, I am introducing this legislation to address Medicare's discrimination against Wisconsin's seniors and health care providers. My bill will decrease some of the inequitable payments that harm rural areas. It will provide rural areas the help they need to grow crucial health information technology infrastructure. It will offer the necessary incentives to help attract the Nation's top medical talent to underserved rural areas. And it will mandate rural representation on the Medicare Payment Advisory Commission. Rural seniors are already underserved in their communities; they should not be underrepresented in Washington as well.

Rural Americans have worked hard and paid into the Medicare program all their lives. In return, they deserve full access to the same benefits as seniors throughout the country: their choice of highly skilled physicians, use of the latest technologies, and a strong voice representing their needs in Medicare policy.

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

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

S. 498

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Rural Medicare Equity Act of 2007”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Elimination of geographic physician work adjustment factor from geographic indices used to adjust payments under the physician fee schedule.

Sec. 3. Clinical rotation demonstration project.

Sec. 4. Medicare rural health care quality improvement demonstration projects.

Sec. 5. Ensuring proportional representation of interests of rural areas on the Medicare Payment Advisory Commission.

Sec. 6. Implementation of GAO recommendations regarding geographic adjustment indices under the Medicare physician fee schedule.

#### SEC. 2. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEE SCHEDULE.

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the market for health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget-neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended—

(1) in paragraph (1)(A)(iii), by striking “an index” and inserting “for services provided before January 1, 2008, an index”; and

(2) in paragraph (2), by inserting “, for services provided before January 1, 2008,” after “paragraph (4),” and

(c) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)), as amended by section 101 of the Medicare Improvement and Extension Act of 2006, is amended—

(1) in paragraph (1)(A), by striking “The conversion” and inserting “Subject to paragraph (8), the conversion”; and

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

“(8) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Before applying an update for a year under this subsection, the Secretary shall (if necessary) provide for an adjustment to the conversion factor for that year to ensure that the aggregate payments under this part in that year shall be equal to aggregate payments that would have been made under such part in that year if the amendments made by section 2(b) of the Rural Medicare Equity Act of 2007 had not been enacted.”.

#### SEC. 3. CLINICAL ROTATION DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide finan-

cial or other incentives to hospitals to attract educators and clinical practitioners so that hospitals that serve beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project together with recommendations for such legislative or administrative action as the Secretary determines appropriate.

(e) FUNDING.—There are appropriated to the Secretary \$20,000,000 to carry out this section.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term “hospital” means any subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) UNDERSERVED AREA.—The term “underserved area” means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

#### SEC. 4. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish not more than 10 demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(2) ACTIVITIES.—Activities under the projects may include public health surveillance, emergency room videoconferencing, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(3) CONSULTATION.—The Secretary shall consult with the Rural Health Quality Advisory Commission, the Office of Rural Health Policy of the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, and the Centers for Medicare & Medicaid Services in carrying out the provisions of this section.

(b) DURATION.—Each demonstration project under this section shall be conducted over a 4-year period.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the diversity of rural communities in the Nation.

(d) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration projects under this section.

(e) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with

an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the projects conducted under this section.

(f) **REPORTS.**—The Secretary shall submit to the appropriate committees of Congress interim reports on each demonstration project and a final report on such project within 6 months after the conclusion of the project. Such reports shall include recommendations regarding the expansion of the project to other areas and recommendations for such other legislative or administrative action as the Secretary determines appropriate.

(g) **FUNDING.**—There are appropriated to the Secretary \$50,000,000 to carry out this section.

**SEC. 5. ENSURING PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS ON THE MEDICARE PAYMENT ADVISORY COMMISSION.**

(a) **IN GENERAL.**—Section 1805(c)(2) of the Social Security Act (42 U.S.C. 1395b–6(c)(2)) is amended—

(1) in subparagraph (A), by inserting “consistent with subparagraph (E)” after “rural representatives”; and

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

“(E) **PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS.**—In order to provide a balance between urban and rural representatives under subparagraph (A), the proportion of members who represent the interests of health care providers and Medicare beneficiaries located in rural areas shall be no less than the proportion, of the total number of Medicare beneficiaries, who reside in rural areas.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to appointments made to the Medicare Payment Advisory Commission after the date of the enactment of this Act.

**SEC. 6. IMPLEMENTATION OF GAO RECOMMENDATIONS REGARDING GEOGRAPHIC ADJUSTMENT INDICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall implement the recommendations contained in the March 2005 GAO report 05–119 entitled “Medicare Physician Fees: Geographic Adjustment Indices are Valid in Design, but Data and Methods Need Refinement.”.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SCHUMER, Mr. BROWN, Mr. FEINGOLD, and Mrs. CLINTON):

S. 500. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise to speak about bi-partisan legislation I am introducing today. I am proud to be

joined by Senator MEL MARTINEZ, Senator BOB MENENDEZ, and 20 additional Senators from both sides of the aisle.

The National Museum of the American Latino Community Commission Act will establish a Commission to study the potential creation of a National Museum of the American Latino Community. The Commission members, selected by the President and Members of Congress, will be tasked with studying the impact of such a Museum and the cost of constructing and maintaining a museum, developing a plan of action and a fundraising plan, and proposing recommendations to make the Museum a reality.

As we begin our efforts to pass this significant legislation, the U.S. House of Representatives is set to complete their consideration of H.R. 512, the House companion bill, and will pass the bill on the House floor today. It has been a pleasure to working with Representative XAVIER BECERRA and Representative ILEANA ROS-LEHTINEN, who have championed this legislation for several years. I hope to work with the Senate Energy and Natural Resource Committee to quickly advance the Senate bill, so that we can, at last, move forward.

If we are successful in our efforts, I believe we will have done our part to enhance the experience of the millions who visit our Nation's capital every year. By passing this legislation, we will contribute to the ongoing, deeply rewarding, and profoundly important process of national self-discovery.

Washington, DC is the symbolic heart of our country. When Americans travel to their capital, they expect the museums, monuments, and national parks they visit to reflect the complete American experience. I celebrate the opening of the National Museum of the American Indian and efforts underway to establish the National Museum of African American History and Culture because I believe we must celebrate our rich, diverse national heritage.

Hispanics have long been a part of our country's history and my own family's story illustrates this truth.

Over 400 years ago, in 1598, my family helped found the oldest city in what is now these United States. They named the city Santa Fe—the City of Holy Faith—because they knew the hand of God would guide them through the struggles of survival in the ages ahead. In Hispanic Pioneers in Colorado and New Mexico, a new book by Colorado Society of Hispanic Genealogy, their triumph over extreme adversity is documented. The time has come for the story of these pioneers to be told in our Nation's capital.

As a proud American, I want to ensure that every individual who visits Washington has a chance to learn the full history of who we are as Americans. It is my hope that the Senate can work to pass this important bill. In doing so, we will preserve our shared America history.

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

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

S. 500

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007”.

**SEC. 2. ESTABLISHMENT OF COMMISSION.**

(a) **IN GENERAL.**—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (in this Act referred to as the “Commission”).

(b) **MEMBERSHIP.**—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 3 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 1 nonvoting member.

(c) **QUALIFICATIONS.**—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(1) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(A) expertise in museum administration;

(B) expertise in fundraising for nonprofit or cultural institutions;

(C) experience in the study and teaching of Latino culture and history at the post-secondary level;

(D) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(E) extensive experience in public or elected service; or

(2) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

**SEC. 3. FUNCTIONS OF THE COMMISSION.**

(a) **PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.**—The Commission shall submit a report to the President and Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (in this Act referred to as the “Museum”).

(b) **FUNDRAISING PLAN.**—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(c) **REPORT ON ISSUES.**—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and Congress on, the following issues:

(1) The availability and cost of collections to be acquired and housed in the Museum.

(2) The impact of the Museum on regional Hispanic- and Latino-related museums.

(3) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(4) Whether the Museum should be located within the Smithsonian Institution.

(5) The governance and organizational structure from which the Museum should operate.

(6) How to engage the American Latino community in the development and design of the Museum.

(7) The cost of constructing, operating, and maintaining the Museum.

(d) **LEGISLATION TO CARRY OUT PLAN OF ACTION.**—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committees on Natural Resources of the House of Representatives and the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(e) **NATIONAL CONFERENCE.**—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

#### **SEC. 4. ADMINISTRATIVE PROVISIONS.**

(a) **FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.**—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(b) **COMPENSATION.**—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(c) **TRAVEL EXPENSES.**—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **FEDERAL ADVISORY COMMITTEE ACT.**—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

#### **SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.**

(a) **DEADLINE.**—The Commission shall submit final versions of the reports and plans required under section 3 not later than 24 months after the date of the Commission's first meeting.

(b) **TERMINATION.**—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to subsection (a).

#### **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for carrying out the activities of the Commission \$2,100,000 for the first fiscal year beginning after the date of enactment of this Act and \$1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

By Mr. SMITH:

S. 504. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long-Term Care Trust Account Act of 2007. I am pleased to be joined by my colleague Senator BLANCHE LINCOLN who has been a tireless leader on issues of importance to the health of our Nation. I look forward to continuing to work with Senator LINCOLN on this legislation as well as other opportunities to improve health care in America.

We are an aging Nation. With babyboomers rapidly retiring, the need for long-term care planning is becoming even more critical. However, we know all too well that planning for the likelihood of disability in young or old age is not done as actively as we would like it to be. Currently, only about 7 percent of all money spent on long-term care comes from private insurance. Too often, insurance is not being purchased, funds are not being saved and persons with disabilities are forced to rely on Medicaid for their daily care.

As a Nation, we need to do better. Senator LINCOLN and I believe that our bill will encourage Americans to invest in their futures and in their care, which is an important first step.

Specifically, our legislation will create a new type of savings mechanism for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to \$5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds could be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. Our bill also will allow an individual to make contributions to another person's Long-Term Care Trust Account. This will allow relatives to help their parents or a loved one prepare for their future health care needs.

The Centers for Medicare and Medicaid Services estimates that national spending for long-term care was more than \$190 billion in 2004, representing about 12.5 percent of all personal health care expenditures. While those numbers already are staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care are over age 65, with this number expected to double by 2030. We also know that the population over age 85, those most likely to need long-term services and supports, is expected to increase more than 250 percent by 2040 from 4.3 million to 15.4 million.

Today, millions of Americans are receiving or are in need of long-term care

services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their long-term health care needs. Therefore, everyone needs to be prepared.

Currently, long-term care insurance is the main way to prepare for possible future care and support needs. Long-term care insurance helps protect assets and income from the devastating financial consequences of long-term health care costs. Today's comprehensive long-term care insurance policies allow consumers to choose from a variety of benefits and offer a wide range of coverage choices. They allow individuals to receive care in a variety of settings including nursing homes, home care, assisted living facilities and adult day care. Some of the most recent policies also provide a cash-benefit that a consumer can spend in the manner he or she chooses. When we buy long-term care insurance, we are also working to ensure that we can make more independent long-term care decisions and reduce the strain on state Medicaid budgets.

Unfortunately, for too many, the struggle to pay the immediate costs of long-term care insurance sometimes outweighs the security these products would provide. As Americans are spending more and saving less, I fear the American middle class is woefully unprepared to meet the coming challenges of their long-term care needs. Moving forward in our effort to help individuals prepare for life in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services. The Long-Term Care Trust Account Act of 2007 is designed to achieve both goals.

It is my hope that this legislation will help all Americans save for their future and their independence during times of vulnerability. I urge my colleagues on both sides of the aisle to support this important bill.

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

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

S. 504

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

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Long-Term Care Trust Account Act of 2007".

#### **SEC. 2. LONG-TERM CARE TRUST ACCOUNTS.**

(a) **IN GENERAL.**—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

#### **"PART IX—LONG-TERM CARE TRUST ACCOUNTS**

#### **"SEC. 530A. LONG-TERM CARE TRUST ACCOUNTS.**

"(a) **GENERAL RULE.**—A Long-Term Care Trust Account shall be exempt from taxation

under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

“(b) **LONG-TERM CARE TRUST ACCOUNT.**—For purposes of this section, the term ‘Long-Term Care Trust Account’ means a trust created or organized in the United States for the exclusive benefit of an individual who is the designated beneficiary of the trust and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Long-Term Care Trust Account, but only if the written governing instrument creating the trust meets the following requirements:

“(1) Except in the case of a qualified rollover contribution described in subsection (d)—

“(A) no contribution will be accepted unless it is in cash, and

“(B) contributions will not be accepted for the calendar year in excess of the contribution limit specified in subsection (c)(1).

“(2) The trustee is a bank (as defined in section 408(n)), an insurance company (as defined in section 816), or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section or who has so demonstrated with respect to any individual retirement plan.

“(3) No part of the trust assets will be invested in life insurance contracts.

“(4) The interest of an individual in the balance of his account is nonforfeitable.

“(5) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

“(6) Except as provided in subsection (e)(2), no distribution will be allowed if at the time of such distribution the designated beneficiary is not a chronically ill individual (as defined in section 7702B(c)(2)).

“(c) **TAX TREATMENT OF CONTRIBUTIONS.**—

“(1) **CONTRIBUTION LIMIT.**—

“(A) **IN GENERAL.**—The aggregate amount of contributions (other than qualified rollover contributions described in subsection (d)) for any taxable year to all Long-Term Care Trust Accounts maintained for the benefit of the designated beneficiary shall not exceed \$5,000.

“(B) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount under subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the medical care cost adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins, determined by substituting ‘2006’ for ‘1996’ in subclause (II) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.

“(2) **GIFT TAX TREATMENT OF CONTRIBUTIONS.**—For purposes of chapters 12 and 13—

“(A) **IN GENERAL.**—Any contribution to a Long-Term Care Trust Account on behalf of any designated beneficiary—

“(i) shall be treated as a completed gift to such beneficiary which is not a future interest in property, and

“(ii) shall not be treated as a qualified transfer under section 2503(e).

“(B) **TREATMENT OF EXCESS CONTRIBUTIONS.**—If the aggregate amount of contributions described in subparagraph (A) during the calendar year by a donor exceeds the limitation for such year under section 2503(b), such aggregate amount shall, at the

election of the donor, be taken into account for purposes of such section ratably over the 5-year period beginning with such calendar year.

“(d) **QUALIFIED ROLLOVER CONTRIBUTION.**—For purposes of this section, the term ‘qualified rollover contribution’ means a contribution to a Long-Term Care Trust Account—

“(1) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

“(2) from a Long-Term Care Trust Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

“(e) **TAX TREATMENT OF DISTRIBUTIONS.**—

“(1) **IN GENERAL.**—Any distribution from a Long-Term Care Trust Account shall be includible in the gross income of the distributee in the manner as provided under section 72 to the extent not excluded from gross income under any other provision of this subsection.

“(2) **LONG-TERM CARE INSURANCE PREMIUMS.**—If at the time of any distribution, the designated beneficiary is not a chronically ill individual (as defined in section 7702B(c)(2)), no amount shall be includible in gross income under paragraph (1) if the aggregate premiums for any qualified long-term care insurance contract for such beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

“(3) **DISTRIBUTIONS FOR QUALIFIED LONG-TERM CARE SERVICES.**—For purposes of this subsection, if at the time of any distribution, the designated beneficiary is a chronically ill individual (as so defined)—

“(A) **IN-KIND DISTRIBUTIONS.**—No amount shall be includible in gross income under paragraph (1) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute expenses for any qualified long-term care services (as defined in section 7702B(c)).

“(B) **CASH DISTRIBUTIONS.**—In the case of distributions not described in subparagraph (A), if—

“(i) such distributions do not exceed the expenses for qualified long-term care services (as so defined), reduced by expenses described in subparagraph (A), no amount shall be includible in gross income, and

“(ii) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

“(4) **CHANGE IN BENEFICIARIES OR ACCOUNTS.**—Paragraph (1) shall not apply to that portion of any distribution which, within 60 days of such distribution, is transferred—

“(A) to another Long-Term Care Trust Account for the benefit of the designated beneficiary, or

“(B) to the credit of another designated beneficiary under a Long-Term Care Trust Account who is a spouse of the designated beneficiary with respect to which the distribution was made.

“(5) **OPERATING RULES.**—For purposes of applying section 72—

“(A) to the extent provided by the Secretary, all Long-Term Care Trust Accounts of which an individual is a designated beneficiary shall be treated as one account,

“(B) except to the extent provided by the Secretary, all distributions during a taxable year shall be treated as one distribution, and

“(C) except to the extent provided by the Secretary, the value of the contract, income on the contract, and investment in the con-

tract shall be computed as of the close of the calendar year in which the taxable year begins.

“(6) **SPECIAL RULES FOR DEATH AND DIVORCE.**—

“(A) **IN GENERAL.**—Rules similar to the rules of paragraphs (7) and (8) of section 220(f) shall apply.

“(B) **AMOUNTS INCLUDIBLE IN ESTATE OF DONOR MAKING EXCESS CONTRIBUTIONS.**—In the case of a donor who makes the election described in subsection (c)(2)(B) and who dies before the close of the 5-year period referred to in such subsection, the gross estate of the donor shall include the portion of such contributions properly allocable to periods after the date of death of the donor.

“(7) **ADDITIONAL TAX.**—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Long-Term Care Trust Account which is includible in gross income shall be increased by 25 percent of the amount which is so includible under rules similar to the rules of section 530(d)(4).

“(8) **DENIAL OF DOUBLE BENEFIT.**—For purposes of determining the amount of any deduction under this chapter, any payment or distribution out of a Long-Term Care Trust Account shall not be treated as an expense paid for medical care.

“(f) **DESIGNATED BENEFICIARY.**—For purposes of this section, the term ‘designated beneficiary’ means the individual designated at the commencement of participation in the Long-Term Care Trust Account as the beneficiary of amounts paid (or to be paid) to the account.

“(g) **LOSS OF TAXATION EXEMPTION OF ACCOUNT WHERE BENEFICIARY ENGAGES IN PROHIBITED TRANSACTION.**—Rules similar to the rules of paragraph (2) of section 408(e) shall apply to any Long-Term Care Trust Account.

“(h) **CUSTODIAL ACCOUNTS.**—For purposes of this section, a custodial account or an annuity contract issued by an insurance company qualified to do business in a State shall be treated as a trust under this section if—

“(1) the custodial account or annuity contract would, except for the fact that it is not a trust, constitute a trust which meets the requirements of subsection (b), and

“(2) in the case of a custodial account, the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section.

For purposes of this title, in the case of a custodial account or annuity contract treated as a trust by reason of the preceding sentence, the person holding the assets of such account or holding such annuity contract shall be treated as the trustee thereof.

“(i) **REPORTS.**—The trustee of a Long-Term Care Trust Account shall make such reports regarding such account to the Secretary and to the beneficiary of the account with respect to contributions, distributions, and such other matters as the Secretary may require. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required.”

(b) **TAX ON EXCESS CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking “or” at the end of paragraph (4), by inserting “or” at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

“(6) a Long-Term Care Trust Account (as defined in section 530A).”

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

“(h) EXCESS CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.—For purposes of this section—

“(1) IN GENERAL.—In the case of Long-Term Care Trust Accounts (within the meaning of section 530A), the term ‘excess contributions’ means the sum of—

“(A) the amount by which the amount contributed for the calendar year to such accounts (other than qualified rollover contributions (as defined in section 530A(d))) exceeds the contribution limit under section 530A(c)(1), and

“(B) the amount determined under this subsection for the preceding calendar year, reduced by the excess (if any) of the maximum amount allowable as a contribution under section 530A(c)(1) for the calendar year over the amount contributed to the accounts for the calendar year.

“(2) SPECIAL RULE.—A contribution shall not be taken into account under paragraph (1) if such contribution (together with the amount of net income attributable to such contribution) is returned to the beneficiary before June 1 of the year following the year in which the contribution is made.”.

(c) FAILURE TO PROVIDE REPORTS ON LONG-TERM CARE TRUST ACCOUNTS.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 (relating to failure to provide reports on individual retirement accounts or annuities) is amended by striking “and” at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting “, and”, and by inserting after subparagraph (E) the following new subparagraph:

“(F) section 530A(i) (relating to Long-Term Care Trust Accounts).”.

(d) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. LONG-TERM CARE TRUST ACCOUNTS”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 3. REFUNDABLE CREDIT FOR CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 35 the following new section:

#### “SEC. 35A. CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.

“(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the contributions to any Long-Term Care Trust Account allowed under section 530A for such taxable year.

“(b) REDUCTION BASED ON ADJUSTED GROSS INCOME.—

“(1) IN GENERAL.—The percentage which would (but for this subsection) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the percentage determined under paragraph (2).

“(2) AMOUNT OF REDUCTION.—The percentage determined under this paragraph is the percentage which bears the same ratio to the percentage which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer’s adjusted gross income for such taxable year, over

“(ii) \$95,000 (\$190,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).

“(3) ADJUSTED GROSS INCOME.—For purposes of this subsection, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 35A of such Code”.

(2) The table of sections of subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 35 the following new item:

“Sec. 35A. Contributions to Long-Term Care Trust Accounts.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COLEMAN, Mr. VITTER, Mr. SMITH, and Mr. NELSON of Nebraska).

S. 505. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, the bill that I am introducing today, along with Senators WARNER, LANDRIEU, VITTER, COLEMAN, SMITH, and NELSON of Nebraska, would increase and expand the Teacher Tax deduction provided in current law. The Teacher Tax deduction is available to school teachers and other educators who incur out-of-pocket expenses in order to purchase classroom supplies for their students. The bill we are offering today would increase this above-the-line tax deduction to \$400, allow the deduction to be taken for expenses related to professional development, and make the deduction permanent.

This bill builds upon a \$250 tax deduction in current law authored by Senator WARNER and myself, which became law as part of the tax relief package in 2001. This tax relief was later extended through the end of this year, but we need to act to extend it further.

I would suggest that there is no reason why we should not make the deduction permanent. Teachers who buy classroom supplies in order to improve the educational experience of their students deserve more than just our gratitude. They deserve this modest tax relief to thank them for their hard work.

So often teachers in my State, and throughout the country, spend their own money in order to improve the classroom experiences of their students. Many of us are familiar with a survey of the National Education Association that found that teachers spend, on average, \$443 a year on classroom supplies. Other surveys show that they are spending even more than that. In

fact, the National School Supply and Equipment Association found that educators spend an average of \$826 to supplement classroom supplies, plus \$926 for instructional materials on top of that—for a total of over \$1,700 out of their own pockets.

In most States, including mine, teachers are very modestly paid for their jobs. I think it is so impressive that despite challenging jobs and modest salaries, teachers are willing to dig deep into their own pockets to enrich the classroom experience, because they care so deeply for their students.

Indeed, I have spoken to dozens of teachers in Maine who tell me they routinely spend far in excess of the \$250 deduction limit that is in current law. I have made a practice of visiting schools all over Maine, and so far, I have had the opportunity to visit more than 160 schools in my State. At virtually every school I visit, I find teachers who are spending their own money to benefit their students. Year after year, these teachers spend hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, stamps, inkpads—everything you can think of. Let me just give you a couple of examples. Anita Hopkins and Kathi Toothaker, who are elementary school teachers from Augusta, ME, purchase books for their students to have as a classroom library, as well as workbooks and sight cards. They have also purchased special prizes for positive reinforcement for their students. Mrs. Hopkins estimates that she spends \$800 to \$1,000 of her own money on extra materials to make learning fun and to create a stimulating classroom environment.

This bill would also expand the Teacher Tax deduction to make it available to teachers who incur expenses for professional development. Whenever the provisions of “No Child Left Behind” are being debated, we hear a lot of discussion about the need for highly-qualified teachers. One of the best ways for teachers to improve their qualifications is through professional development. Yet, in towns in my State, and I suspect throughout the country, school budgets are often very tight, and money for professional development is either very limited or non-existent. For that reason, I believe we should allow this tax deduction to also apply when a teacher takes a course or attends a workshop and has to pay for it out of his or her own pocket.

In my view, students are the ultimate beneficiaries when teachers receive professional development to sharpen their skills or to learn a new approach to presenting material to their students. Studies have consistently shown that, other than involved parents, the single greatest determinant of classroom success is the presence of a well-qualified teacher. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom.

The Teacher Tax relief that we have made available since 2001 is certainly a positive step, and I was proud to have authored that law, along with Senator WARNER. This bill would increase that deduction from \$250 to \$400, reflecting more accurately what teachers really spend, and would make the deduction permanent. The National Education Association has endorsed this bill, and I ask unanimous consent that a copy of the NEA's letter be printed in the RECORD at the end of my statement.

This bill is a small but appropriate means of recognizing the many sacrifices that our teachers make every day to benefit the children of America. I urge my colleagues to support it.

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

NATIONAL EDUCATION ASSOCIATION,  
Washington, DC, January 24, 2007.

Senator SUSAN COLLINS,  
Senator JOHN WARNER,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's, NEA, 3.2 million members, we would like to express our strong support for your legislation that would increase, expand, and make permanent the tax deduction for educators' out-of-pocket classroom supply expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, the educator tax deduction helps recognize the financial sacrifices made by teachers and paraprofessionals, who often reach into their own pockets to purchase classroom supplies such as books, pencils, paper, and art supplies. Studies show that teachers are spending more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000-2001 found that teachers spent an average of \$443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005-2006, educators spent out of their own pockets an average of \$826.00 for supplies and an additional \$926 for instructional materials, for a total of \$1,752.

By increasing the current deduction and making it permanent, your legislation will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to extend the tax deduction to cover out-of-pocket professional development expenses. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,  
Director of Govern-  
ment Relations.  
RANDALL MOODY,  
Manager, Policy and  
Politics.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing legislation regarding the Teacher Tax Relief Act.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nation's teachers with passage of H.R. 3090, the "Job Creation and Worker Assistance Act of 2002."

This legislation, which was signed into law by President Bush, included the Collins/Warner "Teacher Tax Relief Act of 2001" provisions that provided a \$250 above the line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005. In the 109th Congress we were able to successfully extend the provisions for 2006 and 2007.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends \$826 out of their own pocket each year on classroom materials—materials such as pens, pencils and books. First year teachers spend even more.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the Nation's teaching shortage by providing a \$250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than \$250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing this legislation.

This proposed legislation will build upon current law in three ways. The

legislation will: One, increase the above-the-line deduction, as President Bush has called for, from \$250 allowed under current law to \$400; two, allow educators to include professional development costs within that \$400 deduction. Under current law, up to \$250 is deductible but only for classroom expenses; and three, make the Teacher Tax Relief provisions in the law permanent. Current law sunsets the Collins/Warner provisions after 2007.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

This Teacher Tax Relief Act is another step forward in providing our educators with the recognition they deserve.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, and Mrs. BOXER):

S. 506. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I am pleased to be joined by my colleagues, Senators SNOWE and BOXER, to introduce the High Performance Green Buildings Act. This legislation encourages the government to improve the energy efficiency, indoor air quality, and environmental impacts of our Nation's Federal buildings, and will re-energize and focus the Federal Government's leadership and commitment on this issue.

Buildings in the United States have an enormous impact on the environment and also on our overall energy situation. According to the Department of Energy, buildings in the United States use almost 40 percent of the total energy consumed in this country. That figure is expected to rise to 53 percent by 2030, meaning that over half of the energy consumed in this country will be used by buildings alone. In addition, buildings are the source of 35 percent of national carbon dioxide emissions, 49 percent of sulfur dioxide emissions, and 25 percent of nitrogen oxide emissions.

However, the impact of buildings is even broader than that. Americans spend approximately 90 percent of their time indoors and the quality of the air they breathe can have an impact on their health, as well as work productivity and absenteeism. The U.S. Green Buildings Council, a national non-profit, indicates that on average, installing high performance lighting enhances worker productivity by 6.7 percent. There are also numerous sources of indoor air pollutants, ranging from mold to radon, and strong building design that considers ventilation can help to remedy these potential health problems.



It is important that we confront these issues, and our legislation does just that. High Performance Green Buildings are designed with the impact on occupants, surroundings and energy consumption in mind. Buildings designed or renovated on these merits save money, have healthier occupants, and have a more positive impact on their communities.

While the initial investment cost of green buildings may be higher than a traditional building, many of these costs are recouped over time. For instance, the Federal government spends about \$170 million per year on the lighting of federal buildings; using new lighting technology can reduce energy use by 50 to 75 percent. Some estimates show that the payback time for energy efficient lighting is as little as four months.

The High Performance Green Buildings Act focuses the Federal Government's efforts on promoting sustainable design in federal buildings, and realizing the economic benefits associated with reduced energy use and increased occupant health. It creates an Office of High Performance Green Buildings within the General Services Administration (GSA), which manages buildings owned or leased by the Federal Government. GSA is the largest "landlord" in the country the government owns or leases nearly 500,000 buildings in the United States, covering 3.1 billion square feet. The new Office will promote public outreach, focus ongoing research and development, and create an Advisory Committee consisting of Agency representatives and experts from various sectors, to improve coordination across Federal Government agencies and bring best practices to the Federal government.

Additionally, the High Performance Green Buildings Act provides grants to schools, in consultation with the Environmental Protection Agency and the Department of Education, to provide technical assistance to address environmental and health concerns. The health of our children is our primary concern and this legislation takes important steps to ensure their well-being.

It is clear that having sustainable design in our buildings is smart public policy and a wise financial investment, and this bill will allow the Federal Government to increase its leadership role on the promotion of green buildings. I urge my colleagues to support this bill.

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

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

S. 506

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "High-Performance Green Buildings Act of 2007".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Sec. 101. Oversight.

Sec. 102. Office of High-Performance Green Buildings.

Sec. 103. Green Building Advisory Committee.

Sec. 104. Public outreach.

Sec. 105. Research and development.

Sec. 106. Budget and life-cycle costing and contracting.

Sec. 107. Authorization of appropriations.

#### TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Sec. 201. Definition of high-performance school.

Sec. 202. Grants for healthy school environments.

Sec. 203. Model guidelines for siting of school facilities.

Sec. 204. Public outreach.

Sec. 205. Environmental health program.

Sec. 206. Authorization of appropriations.

#### TITLE III—STRENGTHENING FEDERAL LEADERSHIP

Sec. 301. Incentives.

Sec. 302. Federal procurement.

Sec. 303. Federal green building performance.

#### TITLE IV—DEMONSTRATION PROJECT

Sec. 401. Coordination of goals.

Sec. 402. Authorization of appropriations.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COMMITTEE.—The term "Committee" means the Green Building Advisory Committee established under section 103(a).

(3) DIRECTOR.—The term "Director" means the individual appointed to the position established under section 101(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term "Federal facility" means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term "Federal facility" does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term "life cycle", with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term "Office" means the Office of High-Performance Green Buildings established under section 102(a).

#### TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

##### SEC. 101. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 102; and

(2) carry out other duties as required under this Act.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

##### SEC. 102. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 103;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 104, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 105;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 105;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 106; and

(9) complete and submit the report described in subsection (c).

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this Act and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings as measured by—

(A) a silver rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or an equivalent rating obtained through a comparable system); or

(B) an improved or higher rating standard, as identified by the Committee;

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green

building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) **IMPLEMENTATION.**—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

#### **SEC. 103. GREEN BUILDING ADVISORY COMMITTEE.**

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the “Green Building Advisory Committee”.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 102(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) **NON-FEDERAL MEMBERS.**—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) **MEETINGS.**—The Director shall establish a regular schedule of meetings for the Committee.

(d) **DUTIES.**—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this Act, including such recommendations relating to Federal activities carried out under sections 104 through 106 as are agreed to by a majority of the members of the Committee.

(e) **FACA EXEMPTION.**—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

#### **SEC. 104. PUBLIC OUTREACH.**

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including non-governmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more

cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

#### **SEC. 105. RESEARCH AND DEVELOPMENT.**

(a) **ESTABLISHMENT.**—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 106;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) **INDOOR AIR QUALITY.**—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

#### **SEC. 106. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.**

(a) **ESTABLISHMENT.**—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

#### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

### TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

#### SEC. 201. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this title, the term “high-performance school” has the meaning given the term “healthy, high-performance school building” in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

#### SEC. 202. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

- (1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and
- (2) development of State school environmental quality plans that include—
  - (A) standards for school building design, construction, and renovation; and
  - (B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

#### SEC. 203. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop school site selection guidelines that account for—

- (1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;
- (2) modes of transportation available to students and staff; and
- (3) the potential use of a school at the site as an emergency shelter.

#### SEC. 204. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this title, which the Director shall include in the report described in section 102(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 104 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

#### SEC. 205. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue guidelines for use by the State in developing and implementing an environmental health program for schools that—

- (1) takes into account the status and findings of Federal research initiatives established under this Act and other relevant Federal law with respect to school facilities, in-

cluding relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

- (A) health, safety, and productivity; and
- (B) disabilities or special needs;
- (2) provides research using relevant tools identified or developed in accordance with section 105(a) to quantify the relationships between—
  - (A) human health, occupant productivity, and student performance; and
  - (B) with respect to school facilities, each of—
    - (i) pollutant emissions from materials and products;
    - (ii) natural day lighting;
    - (iii) ventilation choices and technologies;
    - (iv) heating and cooling choices and technologies;
    - (v) moisture control and mold;
    - (vi) maintenance, cleaning, and pest control activities;
    - (vii) acoustics; and
    - (viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;
- (3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;
- (4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;
- (5) assists States and the public in better understanding and improving the environmental health of children; and
- (6) provides to the Office a biennial report of all activities carried out under this title, which the Director shall include in the report described in section 102(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 104 receives and makes available—

- (1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and
- (2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

There is authorized to be appropriated to carry out this title \$10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

### TITLE III—STRENGTHENING FEDERAL LEADERSHIP

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

- (1) the provision of recognition awards; and
- (2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

#### SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

#### SEC. 301. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

- (1) the provision of recognition awards; and
- (2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

#### SEC. 302. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

- (1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

- (A) to employ integrated design principles;
- (B) to optimize building and systems energy performance;
- (C) to protect and conserve water;
- (D) to enhance indoor environmental quality; and
- (E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

- (A) are energy-efficient; and
- (B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

#### SEC. 303. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

- (1) conduct an audit of the implementation of this Act; and
- (2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

- (1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 106;
- (2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;
- (3) the performance of the Office in carrying out the implementation plan;
- (4) the design stage of high-performance green building measures;
- (5) high-performance building data that were collected and reported to the Office; and
- (6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

### TITLE IV—DEMONSTRATION PROJECT

#### SEC. 401. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

#### (b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in title I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this Act; and

(B) achieve a platinum rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or an equivalent rating obtained through a comparable system).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

#### SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 401(b) \$10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

By Mr. CONRAD (for himself, Ms. COLLINS, Ms. CANTWELL, and Mr. DURBIN):

S. 507. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Midwifery Care Access and Reimbursement Equity (M-CARE) Act of 2007. For too many years, certified nurse midwives (CNMs) have not received adequate reimbursement under the Medicare program. My legislation takes steps to improve reimbursement for these important healthcare providers.

Since 1988, CNMs have been authorized to provide maternity-related services to Medicare-eligible women of child-bearing age. There are approximately three million disabled women of child-bearing age on Medicare; however, if they choose to utilize a CNM for “well women” services, the CNM is only reimbursed at 65 percent of the physician fee schedule. This is not right and does not come close to offsetting the costs incurred by these professionals.

At this incredibly low rate of reimbursement, the Medicare Payment Ad-

visory Committee (MedPAC) agrees that a CNM simply cannot afford to provide services to Medicare patients and has supported increasing reimbursement for CNMs. In fact, the Commission recommended in 2002 that CNMs’ reimbursement be increased and acknowledged that the care provided by these individuals is at least comparable to similar providers.

My legislation would make several changes to improve the ability of CNMs and certified midwives (CMs) to effectively serve the Medicare-eligible population. First, and most importantly, my bill recognizes the need to increase Medicare reimbursement for CNMs by raising the reimbursement level from 65 percent to 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level. Several states have recognized this in their Medicaid programs—approximately 29 States reimburse at 100 percent of the physician fee schedule for out-of-hospital services.

In addition, the M-CARE Act would establish recognition for a certified midwife (CM) to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. My bill would change this.

This bill will enhance access to “well woman” care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

By Mr. GRASSLEY:

S. 508. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I rise to reintroduce the Congressional Whistleblower Protection Act of 2007, which will extend whistleblower protections currently available to certain executive branch employees to legislative branch employees.

Presently, executive branch employees are shielded from retaliation for exposing waste, fraud, or abuse by the Whistleblower Protection Act. The bill I’m introducing today simply extends those same protections to legislative branch employees.

A theme that has dominated this new Congress, as well as the elections this past November, is accountability and responsibility in Washington. I have fought hard for whistleblowers over the years because they are key in our efforts to ensure government accountability to the people we are sent here to serve. In most instances, the only reason we discover waste or fraud is because employees are brave enough to stand up to the wrongdoers and expose their offenses. Without these whistle-

blowers, the American taxpayer would continue to foot the bill.

The Office of Compliance has called for these changes on numerous occasions in recent years, and they are very supportive of this bill. We have already taken the steps to protect whistleblowers in the executive branch. It doesn’t make sense not to extend these same protections to whistleblowers in our own backyard. My bill will, very simply, give congressional employees the same protections that workers in the other branches of government already possess.

I hope my colleagues will join me in supporting this bill to ensure that those who help us in the fight to hold government accountable are not punished for their efforts.

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

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

S. 508

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

#### SECTION 1. APPLICATION OF WHISTLEBLOWER PROTECTION RULES TO LEGISLATIVE BRANCH EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the “Congressional Whistleblower Protection Act of 2007”.

(b) IN GENERAL.—Part A of title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.) is amended—

(1) in the heading, by striking “fair labor standards,” and all that follows and inserting “and other protections and benefits”;

(2) by redesignating section 207 as section 208; and

(3) by inserting after section 206 the following:

#### “SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLEBLOWER PROTECTION RULES.

“(a) RIGHTS AND PROTECTIONS DESCRIBED.—

“(1) IN GENERAL.—No employing office may take or fail to take, or threaten to take or fail to take, a personnel action (within the meaning of chapter 23 of title 5, United States Code) with respect to any covered employee or applicant for employment because of—

“(A) any disclosure of information by a covered employee or applicant which the employee or applicant reasonably believes evidences—

“(i) a violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order or the rules of the Senate or the House of Representatives to be kept secret in the interest of national defense or the conduct of foreign affairs; or

“(B) any disclosure to the General Counsel, or to the Inspector General of a legislative or executive agency or another employee designated by the head of the legislative or executive agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—

“(i) a violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(2) DEFINITIONS.—For purposes of this section and for purposes of applying the procedures established under title IV for the consideration of alleged violations of this section—

“(A) the term ‘covered employee’ includes an employee of the Government Accountability Office or Library of Congress; and

“(B) the term ‘employing office’ includes the Government Accountability Office and the Library of Congress.

“(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under chapter 12 of title 5, United States Code, with respect to a prohibited personnel practice described in section 2302(b)(8) of such title.

“(C) REGULATIONS TO IMPLEMENT SECTION.—

“(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

“(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as the substantive regulations promulgated by the Merit Systems Protection Board to implement chapters 12 and 23 of title 5, United States Code, except to the extent that the Board of Directors of the Office of Compliance may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.”

(C) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for part A of title II of the Congressional Accountability Act of 1995 is amended—

(A) in the item relating to part A, by striking “**FAIR LABOR STANDARDS**,” and all that follows and inserting “**AND OTHER PROTECTIONS AND BENEFITS**”;

(B) by redesignating the item relating to section 207 as relating to section 208; and

(C) by inserting after the item relating to section 206 the following:

“Sec. 207. Rights and protections under whistleblower protection rules.”

(2) APPLICATION OF LAWS.—Section 102(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1302(a)) is amended by adding at the end the following:

“(12) Section 2302(b)(8) of title 5, United States Code.”

Mr. INOUE (for himself, Mr. STEVENS, Mr. ROCKEFELLER, Mr. LOTT, and Mr. LAUTENBERG):

S. 509. A bill to provide improved aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I rise today to introduce the Aviation Security Improvement Act with Senators STEVENS, ROCKEFELLER, LOTT, and LAUTENBERG, who are all original co-sponsors of this legislation.

When the 9/11 Commission released its report in 2004, the Commission expressed continuing concern over the state of air cargo security, the screening of passengers and baggage, access controls at airports, and the security of general aviation. Congress responded then and enacted measures to address inefficiencies highlighted by the Com-

mission. However, implementation through the rulemaking process was slow, and as a result, significant shortfalls in our security regime remain.

In fact, a little more than year ago, the 9/11 Public Discourse project issued a scorecard that gave inadequate grades in those key areas where the Commission had advocated for improvements in aviation security. Checked Baggage and Cargo Screening received a “D,” Airline Passenger Explosive Screening received a “C,” and Airline Passenger Prescreening received an “F.”

Over the past year, the Transportation Security Administration, TSA, has continued working to significantly bolster air cargo security in the United States. While that is a good step in response to the report card, more must be done. The government must remain vigilant in its effort to provide security for our Nation, and the steps proposed in this bill will both improve our existing security system and give TSA the flexibility to combat new and emerging threats.

The bill we are introducing today would require the screening of all cargo going on passenger aircraft within 3 years. We expect TSA to develop a robust screening program that improves upon current measures and ensures the security of all cargo transported in commercial passenger air carriers.

To improve our ability to detect explosives in checked baggage and at passenger screening checkpoints, the bill extends the Aviation Security Capital Fund and promotes the purchase and installation of advanced baggage screening systems that can be integrated into the daily workings of our Nation’s air transportation system. This capital investment will improve security screening by permitting TSA employees to better focus on potential threats while reducing the high workplace injury rates.

The bill addresses airline passenger explosive screening in several ways:

1. By promoting advanced research and development for checkpoint technology;

2. By enhancing screener training to more clearly identify and address potential threats; and

3. By requiring the Administration to complete and implement a plan over the next year that thoroughly addresses the threat of and response to carry-on explosives.

Airline passenger prescreening also remains a primary concern of the Congress. Not enough progress has been made by the TSA to develop an advanced passenger prescreening system since it took on this task nearly 4 years ago. Too many passengers are inconvenienced each year by false positives when matched against passenger watchlists.

Our bill would ensure a system is in place to coordinate passenger redress matters, and that the TSA moves rapidly to develop a strategic plan to test and implement an advanced passenger prescreening system.

Our bill also takes steps to improve general aviation security, airport access issues for airline employees, screener staffing issues, and other issues where there have been consistent shortcomings over the past several years.

The 9/11 Commission’s report and subsequent Public Discourse project helped keep Congress and the Administration focused on the need for aviation security. While they did not have all the answers for quick fixes, they did offer a vital blueprint, particularly in the areas of infrastructure and transportation system security.

My colleagues and I used that guideline in drafting the legislation we are introducing today. We believe that once this bill is enacted, it will significantly improve aviation security in the specific areas I have highlighted, and the aviation system as a whole. I look forward to working with my colleagues to move this bill quickly. We have had 5 years to consider what does and does not work. Now it is time to implement what we have learned.

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

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

S. 509

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

#### SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Aviation Security Improvement Act”.

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

#### TITLE —AVIATION SECURITY

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of authorization for aviation security funding.
- Sec. 3. Passenger aircraft cargo screening.
- Sec. 4. Blast-resistant cargo containers.
- Sec. 5. Protection of air cargo on passenger planes from explosives.
- Sec. 6. In-line baggage screening.
- Sec. 7. Enhancement of in-line baggage system deployment.
- Sec. 8. Research and development of aviation transportation security technology.
- Sec. 9. Certain TSA personnel limitations not to apply.
- Sec. 10. Specialized training.
- Sec. 11. Explosive detection at passenger screening checkpoints.
- Sec. 12. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
- Sec. 13. Repair station security.
- Sec. 14. Strategic plan to test and implement advanced passenger prescreening system.
- Sec. 15. General aviation security.
- Sec. 16. Security credentials for airline crews.

#### SEC. 2. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking “and 2006” and inserting “2006, 2007, 2008, and 2009”.

#### SEC. 3. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g) AIR CARGO ON PASSENGER AIRCRAFT.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Aviation Security Improvement Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

“(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

“(3) REGULATIONS.—

“(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

“(B) FINAL RULE.—

“(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

“(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

“(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

“(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.”

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption;

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

#### SEC. 4. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, is amended by adding at the end thereof the following:

“(i) BLAST-RESISTANT CARGO CONTAINERS.—

“(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

“(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Aviation Security Improvement Act;

“(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under paragraph (2); and

“(C) develop a system under which the Administrator—

“(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

“(ii) provide for the storage, maintenance, and distribution of such containers.

“(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.”

#### SEC. 5. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 4 of this Act.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

#### SEC. 6. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is

amended by striking “2007.” and inserting “2007, and \$450,000,000 for each of fiscal years 2008 and 2009.”

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

#### SEC. 7. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking “may” in subsection (a) and inserting “shall”;

(2) by striking “may” in subsection (d)(1) and inserting “shall”;

(3) by striking “2007” in subsection (h)(1) and inserting “2028”;

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

“(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than \$200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

“(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to \$50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and non-hub airports.”; and

(5) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.”

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)(4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

#### SEC. 8. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking “2002 through 2006,” and inserting “2006 through 2009,”;

(2) by striking “aviation” and inserting “transportation”; and

(3) by striking “2002 and 2003” and inserting “2006 through 2009”.



**SEC. 9. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.**

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

**SEC. 10. SPECIALIZED TRAINING.**

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

**SEC. 11. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end thereof the following:

“(3) FULL DEPLOYMENT.—The Secretary shall fully implement the strategic plan within 1 year after the date of enactment of the Aviation Security Improvement Act.”.

**SEC. 12. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

**“SEC. 431. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.**

“(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

“(b) OFFICE OF APPEALS AND REDRESS.—

“(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

“(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

“(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other

individual, the Office of Appeals and Redress shall—

“(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

“(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 430 the following:

“431. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.”.

**SEC. 13. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

**SEC. 14. REPAIR STATION SECURITY.**

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking “18 months” and inserting “6 months”.

**SEC. 15. GENERAL AVIATION SECURITY.**

Section 44901 of title 49, United States Code, is amended by adding at the end thereof the following:

“(i) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

“(1) IN GENERAL.—Within 1 year after the date of enactment of the Aviation Security Improvement Act the Administrator of the Transportation Security Administration shall—

“(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47135(m)); and

“(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

“(2) GRANT PROGRAM.—Within 6 months after date of enactment of the Aviation Se-

curity Improvement Act the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47135(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

“(3) APPLICATION TO FOREIGN-REGISTERED GENERAL AVIATION AIRCRAFT.—Within 180 days after the date of enactment of the Aviation Security Improvement Act, the Administrator shall develop a risk-based system under which—

“(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information to the Transportation Security Administration before entering United States airspace; and

“(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.”.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).”.

**SEC. 16. SECURITY CREDENTIALS FOR AIRLINE CREWS.**

Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 72—ACKNOWLEDGING THE SEVERITY OF THE WETLAND LOSS OCCURRING IN LOUISIANA AND SUPPORTING THE OBSERVANCE OF WORLD WETLANDS DAY IN THE UNITED STATES**

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Environment and Public Works:

**S. RES. 72**

Whereas Louisiana's coastal wetlands are among the Nation's most diverse and productive ecosystems, home to ospreys, egrets, alligators, shellfish, turtles, sea grasses, and bald cypress trees;

Whereas Louisiana's wetlands are eroding at a rate of 25 square miles per year and, as a result of Hurricane Katrina on August 29, 2005, and Hurricane Rita on September 24, 2005, 217 square miles of wetlands were turned into open water, significantly advancing Louisiana's wetlands loss;

Whereas the State has lost 2,100 square miles of coastal wetlands since the 1930s and is expected to lose another 500 square miles over the next 50 years if nothing is done to mitigate wetland loss;

Whereas 2,000,000 residents, more than 50 percent of the State's population, live within Louisiana's coastal zone;

Whereas Louisiana's working wetlands provide protection for coastal communities and for oil and gas pipelines that serve as the major energy artery in the United States, delivering more than 25 percent of the Nation's energy;

Whereas wetland ecosystems throughout the United States are threatened by erosion, invasive species, runoff, and habitat loss; and

Whereas World Wetlands Day is celebrated around the world on February 2 of each year by government agencies, nongovernmental organizations, and groups of citizens in the global community: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the severity of the wetland loss occurring in Louisiana;

(2) recognizes and supports the observance of World Wetlands Day in the United States; and

(3) supports efforts to raise awareness about the critical need to sustain and preserve wetlands in Louisiana, the United States, and throughout the world.

Ms. LANDRIEU. Mr. President, I come to the floor today in honor of World Wetlands Day proclaiming February 2 America's Wetlands Day.

February 2, 1971 was the date of the adoption of the Convention on Wetlands in the Iranian city of Ramsar on the shores of the Caspian Sea.

Each year since 1971, leaders from all parts of the world have used this day to raise public awareness of the value and benefits of wetlands—not only as ecological gems, but as economic boons, incubators of biodiversity, and a sportsman's paradise.

The signing in 1971 of the Convention on Wetlands provided a framework for national action and international cooperation toward the conservation and wise use of wetlands and their resources. Wetlands can be found in every country and are among the most productive ecosystems in the world.

Those of us from Louisiana have a rather unique perspective on the subject of wetlands. You see, Louisiana's coast is really America's Wetland. It is not a beach, but a vast landscape of estuaries, rivers, freshwater marsh, forested floodplains, and vernal pools.

The landscape that extends along Louisiana's coast is one of the largest and most productive expanses of coastal wetlands in North America. It is the seventh largest delta on earth, where the Mississippi River drains two-thirds of the United States. It is also one of the most productive environments in America—"working wetlands" as they are known to Louisianians—producing more seafood than any other State in the lower 48. It's the nursery ground for the Gulf of Mexico and habitat for one of the greatest flyways in the world for millions of waterfowl and migratory songbirds.

Even more importantly, Louisiana's coastal wetlands provide storm protection for ports that carry nearly 500 mil-

lion tons of waterborne commerce annually—the largest port system in the world by tonnage. That accounts for 21 percent of all waterborne commerce in the United States each year. In fact, four of the top ten largest ports in the United States are located in Louisiana.

These wetlands also offer protection from storm surge for two million people and a unique culture. Louisiana's low-lying coastal communities are home to more than 2 million people—nearly half the State's population. Even as those communities recover from the back-to-back 2005 hurricanes, they remain threatened and compromised as the land they occupy erodes from beneath their feet.

Tragically, Louisiana's wetlands are eroding at a devastating rate: approximately 24 square miles per year disappear—that is the equivalent of approximately one football field lost every 38 minutes. Within the next 50 years—even with current restoration efforts taken into account—those wetlands are expected to recede an additional 500 square miles.

The U.S. Geological Survey recently found that Hurricanes Katrina and Rita alone transformed 217 square miles of marsh to open water. Tragically, these eroding wetlands are Nature's levee system—they diminish a hurricane's destructive power by reducing storm surge and absorbing wave energy.

Scientists have estimated for every 2.4 square miles of wetlands, storm surges are lowered by about one foot. Some studies suggest that only one square mile of wetlands may achieve this. Because these wetlands are nurseries for many species of fish and shellfish, their loss has a profound impact on the \$1 billion dollar per year fishing industry supported by Louisiana's fragile coastal environment.

The costs associated with Louisiana's coastal wetland loss are not only Louisiana's to bear—they are the entire Nation's. For instance: Hurricanes Katrina and Rita impacted more than 26,000 businesses, destroyed 275,000 homes, and caused more than \$44.7 billion in insured losses.

Today, more than 40 percent of the Nation's oil and nearly a quarter of the Nation's natural gas is produced in or transported through Louisiana.

More than 20 percent of the nation's imported oil is delivered to and processed in Louisiana.

Louisiana is second only to Texas in the number of oil refineries on its soil—with 17 refineries, most of which are located in the coastal zone.

The erosion of Louisiana's coastal wetlands—America's Wetlands—endangers the U.S. energy supply and it endangers the Nation's critical infrastructure in the Gulf Coast: Refineries and petrochemical facilities that drive U.S. economic growth are at risk of being flooded, damaged and shut down, as we saw during the 2005 hurricanes.

That is why I am submitting a Sense of the Senate resolution that will ac-

knowledge February 2, as World Wetlands Day and express that it is the sense of the Senate that we must raise awareness of the Nation's imperiled wetlands—in Louisiana and throughout the country. We need to raise awareness of these critical issues and we need to work locally, regionally, nationally, and internationally to confront this problem head on.

The good news is that scientists know how to restore the wetlands and they have been very successful in reinforcing barrier islands that protect these ecological gems. What has heretofore been lacking is not the will, but the resources with which to undertake this critical challenge. The passage of the Gulf of Mexico Energy Security Act changed that and certified America's commitment to providing long-term, sustainable funding to address this problem. Today, we have the will; we have the way; let's get to work and preserve America's wetlands.

#### SENATE RESOLUTION 73—DESIGNATING FEBRUARY 6, 2007, AS "RONALD REAGAN DAY"

Mr. ALLARD (for himself, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. STEVENS, Mrs. DOLE, Mrs. HUTCHISON, Mr. VITTER, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, and Mr. REID) submitted the following resolution; which was considered and agreed to:

##### S. RES. 73

Whereas President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving as an entertainer, a corporate spokesman, Governor of California, and President of the United States;

Whereas Ronald Reagan served for 2 terms as the 40th President of the United States;

Whereas Ronald Reagan was elected to his second term by almost three-fifths of the electorate, a percentage surpassed only by the election of President Lyndon Baines Johnson in 1964, and was victorious in 49 of the 50 States in the general election, an electoral college record unsurpassed in the history of Presidential elections in the United States; and

Whereas February 6, 2007, will be the 96th anniversary of Ronald Reagan's birth, and June 5, 2007, will be the third anniversary of his passing: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates February 6, 2007, as "Ronald Reagan Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### SENATE CONCURRENT RESOLUTION 9—CELEBRATING THE CONTRIBUTIONS OF THE ARCHITECTURAL PROFESSION DURING "NATIONAL ARCHITECTURE WEEK"

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

##### S. CON. RES. 9

Whereas the architectural profession has made unique contributions to the history, texture, and quality of life in the United States;

Whereas the beginning of an organized architectural profession in the United States was signified by the founding of the American Institute of Architects 150 years ago;

Whereas today there are approximately 281,000 individuals in the United States who work in the profession of architecture;

Whereas architects express the richness of the Nation's heritage and the vitality of its spirit through the vigilant stewardship of great architectural and historic treasures;

Whereas architects improve the quality of life for all individuals in the United States by combining advances in building technology with design innovation to build healthy, safe, livable, and sustainable buildings and communities; and

Whereas the week beginning April 8, 2007, has been designated by the American Institute of Architects as "National Architecture Week" to bring attention to the importance of the architectural profession to the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) it is the sense of the Congress that the contributions of the architectural profession should be recognized and celebrated during "National Architecture Week"; and

(2) the Congress encourages the people of the United States and interested organizations to observe "National Architecture Week" with appropriate ceremonies and activities.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 6, 2007, at 9:30 a.m., in open session to receive testimony on the fiscal year 2008 budget request and the fiscal years 2007 and 2008 war supplemental requests in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, February 6, 2007.

The agenda to be considered: Oversight of Recent EPA Decisions.

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

##### COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 6, 2007, at 2:45 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "The President's Fiscal Year 2008 Budget Proposal."

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Tuesday, February 6, 2007, at 10 a.m. to hold a hearing on Somalia.

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

##### COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?" for Tuesday, February 6, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List: The Honorable Mark Pryor, United States Senator [D, AR]; The Honorable Paul J. McNulty, Deputy Attorney General, U.S. Department of Justice, Washington, DC; Mary Jo White, Partner, Debevoise & Plimpton, LLP, New York, NY; Laurie L. Levenson, Professor of Law, Loyola Law School, Los Angeles, CA; Stuart M. Gerson, Partner, Epstein Becker & Green, Washington, DC.

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

##### COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" for Tuesday, February 6, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

Witness List: John Preston Bailey to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright II to be U.S. District Judge for the Central District of California; George H. Wu to be U.S. District Judge for the Central District of California.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 6, 2007 at 2:30 p.m. to hold a closed hearing.

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

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Mitchell Lincoln and Shakti Shakti of my staff be granted floor privileges for the duration of today's session.

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

#### DESIGNATING FEBRUARY 6, 2007, AS "RONALD REAGAN DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 73.

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

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) designating February 6, 2007, as "Ronald Reagan Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLARD. Mr. President, the resolution I am honored to submit today with my colleague, Senator FEINSTEIN, is to commemorate today, February 6, 2007—what would be Ronald Reagan's 96th birthday—as Ronald Reagan Day.

President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States. In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned Nation shackled by rampant inflation and high unemployment. During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans.

Mr. Reagan's commitment to an active social policy agenda for the Nation's children helped lower crime and drug use in our neighborhoods. President Reagan's commitment to our armed forces contributed to the restoration of pride in America, in her values and in those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges. President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people. It is entirely appropriate that on February 6, 2007, which will be the 96th anniversary of Ronald Reagan's birth, and the third since his passing, we declare February 6th, 2007, to be Ronald Reagan Day and urge all citizens to take cognizance of this event and participate fittingly in its observance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be added as a cosponsor to this resolution.

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

Mr. REID. Mr. President, I ask unanimous consent that I also be added as a cosponsor to this resolution.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider laid upon the table.

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

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

##### S. RES. 73

Whereas President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving as an entertainer, a corporate spokesman, Governor of California, and President of the United States;

Whereas Ronald Reagan served for 2 terms as the 40th President of the United States;

Whereas Ronald Reagan was elected to his second term by almost three-fifths of the electorate, a percentage surpassed only by the election of President Lyndon Baines Johnson in 1964, and was victorious in 49 of the 50 States in the general election, an electoral college record unsurpassed in the history of Presidential elections in the United States; and

Whereas February 6, 2007, will be the 96th anniversary of Ronald Reagan's birth, and June 5, 2007, will be the third anniversary of his passing: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates February 6, 2007, as "Ronald Reagan Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, very quickly—I know the hour is late—I spoke to Speaker PELOSI a couple of hours ago. Next week, the House is going to take up the Iraq situation. The legislation they will deal with, I have been told by the Speaker, is whether the House of Representatives will support the surge,

the escalation in Iraq. They will finish that next week, and we will get it then, and it will be very direct and to the point.

#### ORDERS FOR WEDNESDAY, FEBRUARY 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, February 7; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein, with the time until 2 p.m. equally divided and controlled between the two leaders or their designees, alternating sides when appropriate, with the first 30 minutes of debate under the control of the Republicans and the next 30 minutes under the control of the majority; that during the majority time, Senators SCHUMER and KENNEDY be recognized

for 15 minutes each. If at all possible, I ask that Senator SCHUMER be recognized as close to 10:30 as possible.

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

#### PROGRAM

Mr. REID. For the information of the Senate, I anticipate that at 2 p.m. tomorrow, the Senate will debate several nominations on the Executive Calendar, General Casey and Admiral Fallon. I will meet with the Republican leader and find out how much time will be required on that side by 2 p.m. tomorrow afternoon.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, February 7, at 10 a.m.