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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Lord, it has been said that without a vision for our life, we live without purpose. Help us to find in You a vision and a purpose for ethical living.

Move in the lives of our Senators today, giving them the vision and resilience to perform their work for Your glory. Keep them from putting partisanship ahead of country, and help them to resist the temptation to compromise Your plan. Strengthen them to be open to Your spirit and to receive guidance from You today. Make them faithful to their calling and resolute about fulfilling their God-given responsibility to serve others. Give them wisdom to prepare their minds for action, to be self-controlled, and to trust Your power to keep our Nation strong. Lord, may they persevere so that when they have done Your will, they will receive what You have promised.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 90 minutes, with each side controlling 45 minutes. The first 30 minutes will be under Republican control and the next 30 minutes under majority control. The next 30 minutes will be equally divided, so whoever is recognized will be able to speak for up to 10 minutes.

Yesterday, the Senate voted to invoke cloture on the motion to proceed on S.J. Res. 9. Since that time, the Republican leader and I have been discussing a proposed agreement that would allow votes on various proposals. Late yesterday, we received a proposal from Senator WARNER, and I understand Senator BEN NELSON was involved. We have it here now. It has been rewritten during the night, and we will see if we can include it in some agreement we have. If we can do that, we will go ahead with whatever we can work out to vote on today.

I would say—and the distinguished Republican leader knows this—we are going to do everything we can to put the votes over until a specific time so that people aren't coming back and

forth. That is principally for the Budget Committee, which is meeting as we speak to try to finish that bill as quickly as possible so we can work on it next week.

I know Members were counting on the previous announcement of no votes this Friday. We are going to do everything we can to make sure we have no votes, but until we get an agreement on this Iraq issue and on the U.S. attorneys, we will have to have everyone wait until—we should be able to have something even before morning business is closed. If we can work on it prior to morning business closing, we will come, the Republican leader and I, and announce that agreement. We hope we are close.

Again, I thank everyone for their patience, especially the Republican leader. We have tried to be fair to everyone, and sometimes that is difficult to do, as people have so many different opinions as to how we should proceed. I will keep the Members apprised of the schedule based on the outcome of our negotiations.

RECOGNITION OF THE MINORITY LEADER

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

PROGRESS ON IRAQ RESOLUTION

Mr. McCONNELL. Mr. President, we were making great progress toward getting an agreement yesterday afternoon, and then Senator WARNER at the last minute had a proposal he would like us to consider, and that slowed us down a little bit. But we are now reviewing that, and I share the optimism of the majority leader that we may be able to reach a unanimous consent agreement in the very near future that would allow us to wrap up this matter sometime today.

I yield the floor.

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



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RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority and the last 30 minutes equally divided between the two leaders or their designees.

The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, we all know and understand that Americans are deeply concerned about the war in Iraq. We all represent the finest and bravest men and women across this great country who put themselves in harm's way to protect our very way of life. We all want our brave men and women who are serving in Iraq and Afghanistan to come home as soon as possible.

Members of Georgia's military community have given mightily to our efforts in the Middle East. In fact, members of the 3rd Infantry Division, headquartered at Fort Stewart, GA, are heading to Iraq for the third time as we speak, and I wish to underscore how much we appreciate them and their families. These resolutions which the Democrats continue to put forth undermine these men and women. Any attempt to set a timeline for withdrawal of U.S. troops from Iraq, as the latest resolution does, will embolden the enemy and tell them exactly how long they need to wait until they are free to take over and wreak havoc in Iraq.

I understand the desire to have the Iraqis take responsibility for their own country and step up to the plate in terms of taking the political, economic, and military actions necessary to secure Iraq, and I strongly support that goal. However, this resolution is the wrong way to accomplish it.

These resolutions—and I believe there have been about 17 put forth over the course of the last couple of months—simply send the wrong message to our troops, and they send the wrong message to the enemy.

Winston Churchill once said:

Nothing is more dangerous in wartime than to live in the temperamental atmosphere of a Gallup poll, always feeling one's pulse and taking one's temperature.

I think that sums up what is going on here today.

These resolutions only serve to micromanage the war by a political body which simply is unable to do it ef-

fectively. We have a Commander in Chief who is entrusted with managing and leading our military during wartime, and the Commander in Chief's new plan for Iraq deserves a chance to succeed. These resolutions are designed to ensure that the President's plan fails, not that it succeeds.

Also, these resolutions are completely contradictory to the Senate's support for GEN David Petraeus, our new commander of the multinational forces in Iraq. No Senator opposed General Petraeus's nomination. I have not heard anyone criticize him, and rightly so. We need to give General Petraeus and his counterinsurgency campaign in Iraq a chance to succeed. The people of Georgia, myself included, want General Petraeus to succeed. We understand the consequences of failure, and there is no question the latest resolution we are considering in this body will not help him succeed.

This resolution advocates transitioning U.S. forces in Iraq to protecting U.S. coalition personnel, training and equipping Iraqi forces, and conducting counterterrorism operations, and calls for a diplomatic, political, and economic strategy to stabilize Iraq. Many people say the situation in Iraq requires a political and not a military solution. I strongly agree with that position; however, it is not possible to have a political solution or to make political progress if citizens live in an unstable and unsafe society. Some level of order and stability must be in place before a political solution can take hold.

In America, we take order and stability for granted because we live in a country that is extremely safe, secure, and stable. However, Iraq is not the United States. Iraqis do not live in a secure and stable society, and order and stability must be in place before there can be any hope for a long-term political solution. The additional troops we are sending are meant to create that order and stability, particularly in Baghdad. We need to give this effort a chance to succeed, and we need to create stability and order before we can be hopeful about a long-term political solution.

The Reid resolution opposes the President's plan without offering any concrete alternative. It opposes the mission which the Senate has unanimously confirmed General Petraeus to carry out, and it will not serve to help our troops and our commander in Iraq succeed in the mission we have sent them on to accomplish. For these reasons, I urge my colleagues to oppose the resolution.

Mr. President, I yield the floor.

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

Mr. CORNYN. Mr. President, I wish to point out some of the bitter ironies of this debate.

Since roughly January, when the new majority took charge of this Congress, there have been numerous proposals

with regard to how we should conduct ourselves in Iraq. I have tried to keep track of the various resolutions that have been proposed and, as my colleagues can see, there have been, according to my count, at least 17 resolutions. They start with the Biden and Levin resolutions, the Reid-Pelosi resolution, the Murtha resolution, the Biden-Levin resolution, the Conrad funding cut resolution, a waiver plan, a timeline plan, the Feingold resolution, the Obama resolution, the Clinton resolution, the Dodd resolution, the Kennedy resolution, the Feinstein resolution, the Byrd resolution, the Kerry resolution, and then the latest, the Reid resolution we are on today.

Under this current iteration before the Senate, it says: The President shall commence the phased redeployment of U.S. forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying by March 31, 2008, all U.S. combat forces from Iraq, except for a limited number that are essential for the following purposes: protecting U.S. and coalition personnel and infrastructures, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The reason I find this list of resolutions—and now with the culmination on March 15—somewhat ironic is we are beginning to see some of the signs of success of the new plan, the Baghdad security plan proposed by Prime Minister Maliki, with the support of the United States.

For example, in the Associated Press yesterday, Robert Reid wrote that bomb deaths have gone down 30 percent in Baghdad since the security crackdown that began a month ago and that execution-style slayings have been cut nearly in half.

I ask unanimous consent that the entire article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

I want to add a few key quotes to highlight what this article says.

... there are encouraging signs. Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

He goes on to say:

The rattle of the automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

Consider this:

In the months before the security operation began, February 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press. Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Mr. President, I think it is important to recognize that it has only been since February 14 that this new security plan has been operating and that Iraqi brigades and American surge forces are coming over the period of months and will not finally be deployed there for some time yet. Yet we are seeing some preliminary indications—nobody is claiming success or victory, but there are some preliminary indications that the plan is actually working. The article quotes MG William Caldwell, and I share in the sentiments he expresses when he says:

I would caution everybody about patience, about diligence. This is going to take many months, not weeks, but the indicators are all very positive right now.

We should also be cautious and patient and diligent, but we should also recognize that progress is being made with this new plan proposed by General Petraeus, embraced by the President and his new Secretary of Defense, Robert Gates, and we should give it the chance to work.

That is precisely the reason I think this resolution is so misguided. The idea that we have simply lost and we have to give up, with no constructive alternative plan being suggested to deal with what will occur. In all probability there will be massive ethnic cleansing and a vast humanitarian crisis when the various sects continue to escalate their conflict against one another, which likely will draw in other, for example, Sunni majority nations such as Saudi Arabia to try to protect the Sunni minority in Iraq, and Iran, a Shiite majority nation, seeks to take advantage of the chaos there. Without the stabilizing influence of the U.S. and our Iraqi allies and this new Iraq security plan, it is probable that this troubled area of the world will descend into a vast regional conflagration.

What I don't understand about this resolution is that there is virtually not even a nod of the head or a tip of the hat to the fact that, as Senator LEVIN pointed out, there are about 5,000 to 6,000 al-Qaida foreign fighters in Al Anbar Province. This so-called phased redeployment, which is just Washington-speak for getting out of town as fast as you can, leaves a void, a power vacuum in this area where al-Qaida can basically run wild and continue as they did in Afghanistan before 9/11—to plan, recruit, train, and finance terrorist attacks and launch them against the United States.

I am sure I wasn't the only one who was chilled at the testimony released today in the newspapers of Khalid Shaikh Mohammed, who confessed to beheading Daniel Pearl, the Wall Street Journal reporter, in Iraq and some 30 other terrorist attacks, including the attacks of 9/11. But how anybody in good conscience can advocate simply quitting in Iraq with the threat of 5,000 to 6,000 al-Qaida foreign fighters there, with the risk of a regional conflict, along with the tremendous body blow that would cause to the

American economy, I don't know. I just don't understand it.

I was also surprised to see in today's New York Times some comments by Senator CLINTON, who, of course, is running for the Democratic nomination for President. Notwithstanding this resolution and her stated support for the resolution, she is quoted as saying she foresees a "remaining military as well as political mission" in Iraq. If elected President, she would keep a reduced military force there to fight al-Qaida—I am glad to hear that—deter Iranian aggression, protect the Kurds, and possibly support the Iraqi military.

It is a little troubling. While she says that would be her goal, it appears to be inconsistent with this resolution that she also says she will vote for. This is another quote in the article of March 15 in the New York Times. She said:

So it will be up to me to try to figure out how to protect those national security interests and continue to take our troops out of this urban warfare, which I think is a loser.

This article says:

Asked if her plan was consistent with the resolution, Mrs. CLINTON and her advisers said it was, noting that the resolution also called for "a limited number" of troops to stay in Iraq to protect the American Embassy and other personnel, train and equip Iraqi forces, and conduct "targeted counterterrorism operations."

I don't know how that is consistent with this resolution. I don't know how it is consistent with her other statement that she made on the campaign trail when she said:

If we in Congress don't end this war by January 2009, as President, I will.

It is speculated in this article that what she is proposing is a mirror image of a plan advocated by Dov S. Zakheim, a Pentagon comptroller under Donald Rumsfeld. He estimated that no more than 75,000 troops would be required for the kind of plan she describes, as opposed to the 160,000 troops the United States will have in Iraq once the surge is complete. But I wonder whether it is wise to embrace a plan proposed by the Pentagon's comptroller—in other words, the Pentagon's numbers cruncher, the budget man, as opposed to the plan proposed by GEN David Petraeus, who is an acknowledged expert in counterinsurgency matters, the very kind of plan that is being executed now with the Baghdad security planning—clearing, holding, and building. I cannot understand how you would embrace a plan essentially proposed by the Pentagon's bookkeeper as opposed to the Pentagon's best generals.

I see the distinguished whip on the Senate floor. I will yield the rest of our time to him.

I cannot understand why our friends on the majority side cannot make up their minds. We have 17 resolutions and counting. It seems as if each day brings a different plan but none to address the most urgent needs for our national security in the Middle East.

EXHIBIT 1

SOME PROGRESS MAY MEAN HOPE FOR BAGHDAD

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crack down began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets—favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city.

But while many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears that the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just laying low or hiding outside the city until the operation is over.

U.S. military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: only two of the five U.S. brigades earmarked for the mission are in the streets, and the full compliment of American reinforcements is not due until late May.

U.S. officials say that key to the operation's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive—a proposal for governing the country's main source of income—oil—is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

The rattle of automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

"People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas. "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left, while other kinds of violence have decreased."

In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by The Associated Press.

Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Bombings too have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.

In the 27 days leading up to the operation, 528 people were killed in bombings around the capital, according to AP figures. In the first 27 days of the operation, the bombing death toll stood at 370—a drop of about 30 percent.

Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.

"I would caution everybody about patience, about diligence," U.S. spokesman

Maj. Gen. William C. Caldwell said Wednesday. "This is going to take many months, not weeks, but the indicators are all very positive right now."

Figures alone won't tell the story. In Vietnam, generals kept pointing to enemy body counts to promote a picture of success even when many U.S. soldiers and civilian officials realized the effort was doomed.

True success will be when Iraqis themselves begin to feel safe and gain confidence in their government and security forces. Only then can the economy, long on its heels and with unemployment estimated between 25 and 40 percent, rebound and start providing jobs and a future for Baghdad's people.

A long-term solution also must deal with the militias that sprang up after the ouster of Saddam Hussein.

Much of the relative calm may be due to a decision by Shiite cleric Muqtada al-Sadr to remove his armed militiamen, known as the Mahdi Army, from the streets. Al-Maliki warned the young cleric that he could not protect them from the Americans during the offensive.

U.S. troops rolled into the Mahdi stronghold of Sadr City on March 4 without firing a shot—a radical change from street battles there in 2004.

Some Mahdi Army fighters may have left the city. But Iraqis who live in Shiite neighborhoods say many others are still around, collecting protection money from shopkeepers and keeping tabs on people—albeit without their guns.

When American patrols pass by, Mahdi members step into shops or disappear into crowds until the U.S. troops are gone. Sunni militants remain in some areas of the city too, although last year's sectarian bloodletting drove many Sunnis from their traditional neighborhoods, depriving extremists of a support network.

Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.

If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then reemerging to fight each other for control of the capital.

Conscious of that possibility, new U.S. commander Gen. David Petraeus and other senior generals avoid setting a date for when the operation would end. They insist the extra troops will stay as long as they are needed.

And they say the military will continue to track down key militia and insurgent figures, in hopes of crippling the leadership of insurgent groups before they attempt to reemerge.

"You generally think that if you're going to achieve (the desired results), that it would need to be sustained certainly for some time well beyond summer," Petraeus told reporters last week.

The No. 2 commander in Iraq, Lt. Gen. Ray Odierno, has recommended that the buildup stretch longer, into the early months of 2008—if Congress will provide the money.

But positive trends in Iraq have proven hard to sustain. Hopes for reconciliation are quickly shattered. There have been a series of failed security initiatives. With so many uncertainties, public opinion appears mixed.

"We gain nothing from this government. No change," said Abu Zeinab, a Shiite father of two in Baghdad's Hurriyah district. "Today is like yesterday. What is the difference?"

In eastern Baghdad, one homeowner whose house was seized by the family of a Shiite

militiaman gained enough confidence to tell them to leave or he would turn them in to the Americans—unthinkable only a few weeks ago.

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

THE IRAQ RESOLUTIONS

Mr. LOTT. Mr. President, I have not had a whole lot to say in the Senate about the process, the various proposals, and even the substance of the Iraq resolutions. But it obviously is a very troublesome issue for me.

One of my concerns is the process. How bad could we possibly look as an institution? We can't come to an agreement on how to have a full debate and votes. Everybody says we will agree to this but not that, and it goes back and forth. For the life of me, I cannot understand why we cannot have some clear identification of some different approaches to this issue and have debate and vote on them.

The majority leader has to understand he cannot dictate what amendments the Republicans are going to offer and the substance of those amendments or resolutions, if you will, any more than we can dictate that to the Democrats. It has to be a fair process. I think that can be worked out. I know our leaders are talking—and I wish them the best—so that we can have debate and a vote on different approaches and move on to other issues.

My second problem is, how many iterations is this going to go through? I remind my colleagues that the election is over. It was last year. All we have been doing in the Senate is political partisan positioning, all sound and fury, achieving nothing. What is the score in the Senate? 0 to 0. Democrats haven't gotten anything done. Not one bill of any substance that we have passed has been signed into law, except a continuing resolution, which we acknowledged had to be done to keep the Government operating and, frankly, because we didn't do our work like we should have on that issue last year. That is all. It is all about positioning.

There is one other score that is the worst of all: Democrats, 0; Republicans, 0; American people, 0. We have to figure out a way to quit finding what we can disagree about and find some things we can work together on for the good of the people.

Regarding this Iraq issue, on the one hand, we say we want to succeed. On the other hand, you have the out-of-Iraq caucus saying get out of there, set deadlines, and withdraw the troops. We say we are giving General Petraeus our total confidence with a unanimous approval in confirmation. He is there trying to get the violence calmed down and to do a better job and get an opportunity for their Government to do what it needs to do, have economic development. So while we are saying: Congratulations, we all vote for you and wish you will succeed, we are over

here doing things that could potentially undermine his ability to get them done.

You might say: Oh, well, that is not really what is at stake with the Iraq resolutions. Remember, to show you what positioning is going on, today, let's say we come to the conclusion that we are going to have two or three different votes and we will finish at some point this afternoon on the latest iteration of the Reid positions and we will move on to the budget. Well, the problem with that is we have already been told this will be back on the supplemental appropriations—the emergency appropriations to fund the needs of our men and women in uniform. We are being told: By the way, we are going to put this restrictive language on the funding resolution. So we are going to revisit this issue the week after next.

I think what we are doing is the worst of all worlds. We have had non-binding resolutions to express the sense of the Senate, which is a misnomer in itself. Then, now we finally come to what would be statutory language in a joint resolution by Senator REID, which has deadlines and begins a process of Congress micromanaging a war.

We have tried it before and it didn't work, or it led to what some people consider a disaster. For us to state some opinions is one thing, but it has gone beyond that now. This is going to have an effect. I don't think there is a lot of language or a lot we can do that can positively affect what is going on in Iraq right now, but there is a lot we can do that will negatively affect it.

So I think to start setting deadlines and having the Congress trying to micromanage what is going on in Baghdad—we cannot even manage the process. How are we going to manage a war? Even the New York Times—and I don't usually quote them because most of the time I disagree with everything they have to say—is raising questions about the different resolutions and what would be the effect of what we are trying to do in the Congress about Iraq.

The Economist, I think the world's most respected magazine, said there is actually progress being made. General Petraeus is doing some things that have made a difference. Maliki and the Government there are beginning to make some decisions. We say meet your benchmarks, but as progress is being made, we say: If you don't do it like we have outlined, we are going to begin to just withdraw.

Mr. President, I wish my colleagues—all of us on both sides of the aisle—would think seriously about what we are doing in Iraq.

Then also, of course, we are going to go to the budget resolution next week. I have been through a lot of budget battles. Again, we are going to fuss and we are going to fight and we are going to have lots of amendments and we will have a vote-arama, which is the worst exhibition imaginable. We will vote on

25 amendments in a row probably every 3 minutes and have no idea what we are voting on. We will finish it up, and what effect does it have? None. The President doesn't sign it. We treat our own budgets about the same as we treat the President's budgets: We ignore them. We trash them a while and then throw them out in the street and do what we want to do.

I do think the budget is going to be the beginning of an opportunity for the American people to have buyer's remorse about what they have done with the Congress. This is going to be sort of a typical budget debate. The headline again in the New York Times is: "Senate Democrats offer spending plan but no way to pay for it."

I think in theory you can say Republicans always want to cut taxes, and they don't want to worry a whole lot about the effect that has on the deficit, although I believe if we cut taxes in the right way, we get more revenue.

I also think we all better take a look at what has been the effects of our tax policy and our budgets on the economy. The economy is good. Do we have some problems in the energy area and health care? Yes. We ought to do something about those issues. But overall, we have had economic growth. Revenues are pouring in.

So what is the budget I am looking at going to do? I think Senator CONRAD is a very serious chairman of the Budget Committee. I know he would like to do more than he is going to be able to do. I know he would like to do entitlement reform. We know it has to come. We will not belly up to that bar this year or next year. Maybe something will occur and we will do it in 2009.

This is going to be a budget where there is more domestic spending, less defense spending, and tax increases. That is what is going to happen. That is what always happens. We may not be a whole lot more responsible with a Republican budget, but this is your basic Democratic budget, and we are going to see it next week. We are going to describe it as one of smoke and mirrors. It assumes the tax cuts are going to be extended into the future, but it doesn't come up with any way to pay for them. Under the new rules, we are going to have pay-fors. If you increase spending, you are going to have to pay for it, or if you have tax cuts, you are going to have to pay for them, but it doesn't say how that is going to occur.

I do think we are at a critical juncture. We have gone through the opening, trying to get used to how we run the institution with new management. We haven't done it well. I am going to mark it off as the early phases of a new Congress and feeling our way forward. But when we get through positioning, I hope we are going to find a way to do some things together. We should have immigration reform. We need it. I know "comprehensive immigration reform" has gotten to be a dirty word, but I do think we have to deal with it in a broad way. It has to deal with

legal immigration, illegal immigration, and we are going to have to have a temporary worker program. We have to find some way for people to have a pathway to citizenship.

We have to address health care in America. Health care has become so expensive and, in many cases, not accessible. Why can't we work together on that issue?

Energy—the energy situation in America is a national security risk and an economic risk. Some people say: Oh, we can fix it by raising mileage standards for automobiles, CAFE standards. Some of us—I am in that group—think we don't have to produce less or get along with not having more oil and gas and nuclear power and everything else. I think we can have more of everything. Let's see if we can't find a way to come together and maybe do both in a responsible way.

I appreciate the opportunity to talk about these issues this morning. I hope we can come to an agreement on how to proceed on Iraq, and I hope we can finish it by sundown tonight and then move on to the obligatory vote on the budget, which will be a waste of time, next week, and then maybe we can get serious about what we do in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, what is the floor situation?

The PRESIDING OFFICER. The Senate is in a period for morning business. Democrats control the next 30 minutes.

Ms. MIKULSKI. I thank the Chair. Mr. President, I yield myself approximately 10 minutes.

First, I wish to respond for a few minutes to my colleague, the Senator from Mississippi, the Republican whip. We have been in session less than 70 days. We have already been spending more time on legislation than the Congress led by the other party last year. Last year, we were in session less time than the Maryland General Assembly. We only voted 108 days.

Now we have been in session 70 days. We have had a robust work schedule. Our colleagues in the House have passed significant legislation. What takes them 1 day takes us 2 weeks. It takes us 2 weeks not only because parliamentarily and constitutionally we are the more deliberative body, but at the same time it has been the obstructionist tactics of the other party that has prevented us from being able to move our legislation.

Nevertheless, thanks to the determination of our majority leader, the Senator from Nevada, Mr. REID, we have been able to pass ethics reform. The American people wanted us to clean up our own act before we cleaned up Government and, man, have the Republicans left us a lot to clean up: the Walter Reed scandal, the Attorney General scandal, the national security letter scandal—scandal after scandal after scandal. We came saying we

weren't going to be seeking investigations, but now their reckless incompetency is forcing us to do that.

Then we pushed to implement the 9/11 Commission recommendations. It has been 5½ years since the dastardly attack on the World Trade Center, and it has taken us forever to implement these recommendations.

So when the other party criticizes us for not doing the people's business, maybe if they get out of the way with their obstructionist tactics and let us move ahead with an agenda that is bipartisan, we can get the job done.

Too often, when all is said and done within the Senate, more gets said than gets done. So before people throw rocks, remember those who live in a glass house might end up being shattered to bits themselves.

Let us do our work. Every time we turn around, HARRY REID has to file another cloture motion. Why? Because they threaten filibuster. So, hello, don't criticize us.

IRAQ

Ms. MIKULSKI. Mr. President, let's get on with this micromanaging the war business. Maybe if the administration was micromanaging the war, we wouldn't be here today. They said there were weapons of mass destruction in Iraq. Maybe if they had micromanaged the intelligence community, we wouldn't even have gone into Iraq in the first place.

No. 2, they said, We are ready to go. If Mr. Rumsfeld had micromanaged the U.S. military, maybe we would have had enough troops. Maybe if they had micromanaged the war, they would have had enough body armor. Maybe if they had micromanaged the system, we wouldn't have the scandal at Walter Reed. Maybe if they had micromanaged, we wouldn't have this horrific backlog at VA. They are the ones who should have been micromanaging the war, and if they can't do it, they need to get out of the way and let us pass our resolution.

The distinguished whip from the other party said he wants us to finish by sundown. We would like to sunset the war. That is what we would like to do. It is time for our troops to come home, and it is time for us to bring them home swiftly. But we have a moral obligation and a constitutional obligation to bring them home safely. This is why I support the Reid resolution. This resolution states clearly that the Congress and the American people support our troops. Yet, at the same time, we are saying bring the troops home by March 31, 2008. Unlike the reckless incompetency that got us into the war, we are following the guidelines of the Iraq Study Group, wise heads who pondered some of the best ways to a new way forward.

The Reid resolution sets a framework and a time line for doing what needs to be done and assuring our troops that we honor their service, and we are

going to protect them on the battlefield. We are going to make sure they have the resources to do the job, and when they come back home, we want to be sure they have health care and they have jobs and they have job training.

I know the distinguished Presiding Officer has been a leader in making sure that when our troops come home, they have job training, and I thank him for that.

I am not new to this position on the war. I never wanted to go to war in the first place, not because I am a pacifist—and I respect those who are—but I read that national intelligence report; I am on the Intelligence Committee. I had very grave suspicions about the level of weapons of mass destruction Saddam had. But I also believed it was the U.N.'s job to go to Iraq and do the work that the U.N. was supposed to do.

I opposed giving the President unilateral authority to engage in a preemptive attack just because he said we were in imminent danger. I wish he had micromanaged that a bit. Maybe we wouldn't have had to go. I said the United States had to exhaust our diplomatic options, and I encouraged the administration at that time: Please, stick with the U.N. so the U.N. can meet its responsibility to deal with the Saddam threat. I said we shouldn't go on our own and we should work with the U.N. and the international community.

The day of the vote when I spoke, I said I didn't know what lies ahead. I didn't know if our troops would be greeted with flowers or with landmines. Go to Walter Reed and Bethesda Naval Hospital and talk to those coming home from Iraq. You know what we got. When we got there, there were no weapons of mass destruction, but destruction sure happened.

After 4 years of fighting, are we better off in Iraq? The United States went to war with Iraq, now we are at war within Iraq. Saddam is gone, we are still there, and now we are in a civil war. It is time for us to come home, and it is time for us to come home following the Iraq Study Group recommendations.

We need a new way forward in Iraq. The Iraq Study Group gave us 79 recommendations. Surely, we could agree on 50. If the administration wasn't being so isolated and so rigid, they would know it is time to engage in the international community, that it is always better to send in the diplomats before we send in the troops. Let's send in the diplomats so we can bring our troops back home.

The Iraq Study Group calls for enhanced diplomatic and political efforts in Iraq and outside Iraq. It provides a direction for the U.S. Government and the Iraqi Government to follow that would bring our forces home by the first quarter of 2008. That is what the Reid resolution calls for.

The Reid resolution sets a goal of bringing all U.S. combat forces home

by March 31, 2008, except for limited numbers of troops for force protection, training of the Iraqi troops, and targeted counterterrorism operations. It would begin a phased redeployment within 4 months after the passage of this legislation. But it also develops a comprehensive diplomatic, political, and economic strategy. Finally, this resolution requires the President to report to Congress within 60 days.

That is why we support this resolution. Are we micromanaging? No, but I wish the administration, as I said, had micromanaged the war. We wouldn't be in the debate we are in now.

I support the Reid resolution because I believe what the Iraq Study Group said, that the Iraq problems cannot now be solved with a military solution, no matter how brave, no matter how smart. It requires a political solution by the Iraqis and a diplomatic solution with Iraq's neighbors. It says the Congress and the American people will not just support the troops, but protect them.

I want this war to end, and I believe this Reid resolution will do that. Yet, in ending the war, it is my responsibility to ensure our troops are brought home not only swiftly but safely.

Mr. President, I have had sit-ins in my office four times during the last 3 weeks. Four times, people have come to my office to sit in. Some come to protest, some come to get arrested, but all have a right to speak out. They want me to vote against the spending for the war. Well, there is no way a responsible Senator can vote against spending. There is no one line item that says: War, yes or no. That is not the way the supplemental works. That is not the way the defense budget works. That is not the way our entire budget works. There is no vote that says: War, yes or no.

So I won't vote for defunding the war. I say to the protestors—I say to those well-intentioned liberal activists—know that we are on your side, but what are you asking us to vote against? Do you want us to vote against the pay for the soldiers and for their spouses and for their children? I won't vote against their benefits. What do you want us to vote against—the bullets and what they need to fight? I won't vote against that. Do you want us to vote against the body armor and the armored humvees they need for survival? I won't vote against that.

What if they are injured? One of the things that save their lives on the battlefields is the tourniquet. I won't cut off the money for the tourniquets. I want them to have the tourniquets to cut off the hemorrhaging on the battlefields. When they come out of there, there is the jet fuel that gets them on the medevac from Baghdad to Germany to Walter Reed and Bethesda. We will clean up Walter Reed, and we will fix Bethesda Naval Hospital, but they have to get here. When they get here, they need medical care. Hats off to acute medical care.

Now we need outpatient care. Now we need long-term care for the 50 years or so these men and women will have the need for it. We have had 22,000 people receive Purple Hearts in Iraq, and more have been injured than we will ever know or we will know years from now. So I can't vote against funding.

I tell all who are listening that you can sit in every single day, you can follow me throughout my Senate career, you can follow me to my grave—I will not vote to in any way harm the U.S. men and women in the military, nor will I cut off the support for help to their families. If you want to picket, you want to protest, you want to disrupt my life, better my life is disrupted than the lives of these men and women in uniform.

I am going to support this Reid resolution because I believe it helps bring the war to an honorable end, but at the same time, we are going to support our troops. It is time to stop the finger-pointing, and it is time to pinpoint a new way forward.

Mr. President, I yield the floor.

STATE CHILDREN'S HEALTH INSURANCE

Mr. CASEY. Mr. President, some years ago, the distinguished and late great Senator from the State of Minnesota, Hubert H. Humphrey, said the following when he was talking about how we should evaluate budgets in government. He said:

The moral test of a government is how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

I rise today to speak of those in the dawn of their lives—children across America and especially the children of working families, working families who have no health insurance.

Unfortunately, despite good intentions and despite a good program I will be speaking about this morning, there are 9 million American children with no health insurance at all—9 million children. That is a blot on the American conscience—or should be—that there are 9 million children who have no health insurance at all. Justice cannot abide 9 million children in America with no health insurance.

That is the bad news. The good news is that we have a way to bring some relief to those children, to their families, and to the American economy. It is called the State Children's Health Insurance Program, known by the acronym SCHIP. So when I refer to SCHIP by that acronym, I am speaking of that program, the State Children's Health Insurance Program.

Here is what this program does, and it bears repeating because of the broad coverage that important program provides to children across America. It provides comprehensive health insurance coverage to up to 6 million American children. It is financed jointly by State governments and the Federal Government. Currently, that program

costs the Federal Government just over \$5 billion per year—a very small price to pay in a huge Federal budget with all the return you get from that investment for our children. Remember what this program is: It is a program that covers the children of working families, those families whose incomes are too high to be covered by Medicaid and whose incomes are too low to have the coverage that is provided in the private market. That is what we are talking about. We are talking about families who are squeezed in between and who cannot afford coverage in the private market but also don't qualify for Medicaid.

In Pennsylvania, my home State, I am honored and proud to say that my father, Governor Casey, when he was the Governor of Pennsylvania, signed into law one of the first children's health insurance programs in the Nation in 1992. Since that time, not only in Pennsylvania but especially in our State, we have had broad bipartisan support for this program from Republican Governors and Democratic Governors. Currently, Governor Rendell is trying to expand the Children's Health Insurance Program in Pennsylvania. That is a good thing because even though it covers as many as 150,000 Pennsylvania children, there are still over 130,000 children in the State of Pennsylvania who have no coverage. The Governor wants to attack that problem and reduce that number. Unfortunately, this Governor of Pennsylvania, Governor Rendell, as well as Governors across the country, in both parties, are unable to expand their programs if the budget proposal set forth by the President becomes the law.

Here is what the Bush budget does when it comes to the State Children's Health Insurance Program, and I am quoting from a report by the Center on Budget and Policy Priorities: "The Bush budget provides less than half"—less than half—"of the funding needed for States to maintain existing case-loads." What we are talking about there is, going forward in 2008, 2009, 2010, 2011, and 2012, in those budget years, the President's budget provides less than half the money to maintain the coverage for those approximately 6 million children who have coverage. This doesn't even address the problem I started with this morning, the 9 million children who don't have any health care coverage at all.

We have to do two things. We have to make sure we maintain the coverage for the 6 million children who have it in America across the country in almost every State in the country. They are not divided by Democrat and Republican; they are children and their families, and they are part of the family of America. We have to make sure we maintain their coverage. At the same time, we have to expand coverage to begin to cover the 9 million who have no health insurance coverage at all.

What is the effect of this budget on these families? The Bush budget has a

funding shortfall over 5 years of \$7 billion. That is a big number, but let us talk about that in terms of children. That is the most important thing here. That \$7 billion shortfall equates, by 2012, to 1.4 million children losing their coverage. We are still on problem No. 1, those who have coverage who will lose it—1.4 million of them—if this budget goes through. That is what we are talking about when we talk about this budget and this important program. But we have to make sure we do more than just maintain coverage; we have to make sure we expand it for the millions of children who don't have health insurance.

I wish to conclude this morning with a couple of basic questions for the President, for the Senate, and for the House. This is what every elected official in Washington has to answer when they vote on this budget and when they vote on the question of the State Children's Health Insurance Program.

Question No. 1 for the President and for the Congress: Does the administration and the Congress want 1.4 million children to lose their health insurance coverage? You can't have it both ways. If you vote for the President's proposal, you are voting to cut 1.4 million kids from the insurance rolls. That is question No. 1, and it is a "yes" or "no" answer. There is no dodging that question.

Question No. 2: Are tax breaks for millionaires and multimillionaires and billionaires more important than the State Children's Health Insurance Program? Do they have a higher priority? Do their needs come ahead of the children of working parents?

That is another question we have to answer because there will be people in this town who will talk about the cost of expanding health insurance coverage or even maintaining the coverage that is there. They will say: Oh, that is going to cost lots of money. Well, I have to ask them a basic question: Are the millionaires and billionaires who have benefited year after year to the tune of hundreds of billions of dollars—is their tax cut more important than children? It is a "yes" or "no" answer, and that is what the Congress and the President have to answer.

Finally, No. 3, the basic question for today, tomorrow, but especially for many years from now: Do you want the gross domestic product to grow? Do you want the American economy to grow? Because if you answer that question "yes," you cannot oppose the expansion of the State Children's Health Insurance Program. You cannot. We know the benefits of providing health insurance to children. We know they will go to school ready to learn. We know they will be healthier in school, they will get higher test scores, and they will have the benefit of higher education, hopefully, for many of them, and they will go on to achieve their full potential in the job market and help grow the American economy. So if you care about the economy

today, tomorrow, and into the future, and you care about growing jobs, you must vote, in my judgment, to expand the State Children's Health Insurance Program.

Finally, it is about coverage. It is about maintaining that coverage, and it is about making sure 9 million kids have health insurance in the future. It is also making sure we do everything possible to reach every child and make sure that child's family is utilizing the great services of the State Children's Health Insurance Program. If we meet this obligation to cover the kids who are covered now, to make sure their coverage is maintained, and to cover the 9 million children, we will have gone a long way toward meeting Hubert H. Humphrey's moral test of government: to make sure we are taking care and helping children in the dawn of their lives.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The majority controls 22 minutes in morning business.

Mr. PRYOR. I thank the Chair.

U.S. ATTORNEYS

Mr. PRYOR. Mr. President, I have come here today to talk about the political firings of U.S. attorneys, which I believe raises serious concerns over the administration's encroachment on the Senate's constitutional responsibilities but now I also believe raises serious concerns over the Attorney General's ability to serve. That is why I come here today to call for Attorney General Alberto Gonzales's resignation.

There has been a lot of attention focused on U.S. attorneys over the last couple of weeks, but this is an issue I have been involved with for the last 9 months. I first realized a problem existed in July of 2006. On February 6, 2007, I testified before the Senate Judiciary Committee. I won't repeat that testimony here, but I will focus on five facts today, and these are undisputed facts. First, based on the e-mails produced by the Department of Justice, this administration set out to fire or replace U.S. attorneys, some without cause and in some cases for suspicious reasons.

Second, this is different from anything done in previous administrations and includes putting a provision in the PATRIOT Act to carry out their scheme.

Third, it started with the White House.

Fourth, it was carried out by the Attorney General.

Fifth, the Attorney General crossed a line by putting politics above the pursuit of justice and has seriously damaged his stature and legacy in the process.

The first of these points is proven by e-mails from the Attorney General's Office and the White House. The fifth

point is evidenced by the Attorney General's statements to me, the Senate Judiciary Committee, and his public statements.

Immediately after the 2004 elections, the White House began a scheme to replace all U.S. attorneys. The Attorney General joined in that plan in early 2005 but recommended to limit the number of U.S. attorneys who would be replaced. During this process, the Attorney General identified U.S. attorneys to sacrifice to the White House demands.

In January 2006, the Attorney General sent a memorandum to the White House detailing obstacles that must be overcome before going forward with the plan. One such obstacle was the Senate. So in March 2006 the Attorney General hatched another scheme to get around Senate confirmation. During the PATRIOT Act reauthorization, the Attorney General, with the apparent purpose of replacing U.S. attorneys, had a provision slipped in during the Senate and House conference to allow the Attorney General indefinite appointment authority.

After this plan came to light, the Attorney General responded by misleading the American people. For example, in press interviews he said the Clinton administration had done something similar. That is not true. In an Attorney General memorandum dated January 9, 2006, it clearly says:

In recent memory, during the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not—

And that is underlined, did not—

seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

His own chief of staff has contradicted his public justification. Once the decision became apparent that they were going to push out U.S. attorneys—which, by the way, is the term the Attorney General's Office uses in the September 17, 2006, memo to the White House, that they are going to "push out" U.S. attorneys—there began a clear and precise method to obfuscate and delay the confirmation process by lying to home State Senators, including me. I know this because I have e-mails that lay out the game plan on how to get around Senator BLANCHE LINCOLN from Arkansas and myself.

I have in my hand a plan to replace certain U.S. attorneys, dated November 15, 2006. This memo gives a five-step plan on how to do this and also how to talk about it.

Step No. 1 has specific talking points. Step No. 2 says to call and to contact Republican Senators. This is an important point. Step No. 2 says the U.S. attorney—on step No. 2—should make these calls. The U.S. attorney says, on December 7: very important U.S. calls and Attorney General calls happen simultaneously. Mike Battle contact the following U.S. attorneys.

So they do that, and I'm sorry, in step No. 1 they contact JON KYL, JOHN ENSIGN, PETE DOMENICI. And then it says, "the California political lead, the Michigan political lead, and the Washington political lead."

Please notice, there are no Democrats who were contacted about this; not even a courtesy call from the White House or the Justice Department. Only calls made to Republicans. If there is not a Democratic Senator in that State it just says "to the State's political lead."

Clearly, this was a partisan effort on the part of Justice.

I believe the Attorney General crossed a line when they chose to go the partisan route on U.S. attorneys. Now the Attorney General states that he was unaware of all the details of their plans that were hatched by his chief of staff. I do not believe this for a minute. I know that an e-mail written on December 19, 2006, on how to get around Senator LINCOLN and myself is exactly what Attorney General Alberto Gonzales said to me in a telephone conversation.

In fact, by way of background, I had called the White House and the Attorney General to ask them to please nominate a suitable nominee for U.S. attorney in Arkansas. They had canned or pushed out Bud Cummins. They were going to, or were about to, do an interim appointment for Tim Griffin. I asked them to please not do that and please send someone through the confirmation process. If it was Tim Griffin, send him through. I couldn't say I was going to vote for him, but please send him through.

The December 19, 2006, memo is very enlightening. It is from Kyle Sampson, chief of staff to Alberto Gonzales. It is to Christopher G. Oprison, apparently at the White House. Again, this is from the chief of staff of the Attorney General.

My thoughts: 1. I think we should gum this to death: ask the Senators—

And they are talking about Senator LINCOLN and myself—

ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say "no, never" (and the longer we can forestall that the better), then we can tell them we'll look for other candidates, ask them for recommendations, evaluate the recommendations, interview their candidates, and otherwise run out the clock.

This is an e-mail from the Attorney General's chief of staff to the White House.

All of this should be done in "good faith" of course.

When they put "good faith" in quotes, that tells me they are going in bad faith. They are not going in good faith, but they are giving the appearance of good faith in order to run out the clock.

No. 2 says:

Officially, Tim is the U.S. Attorney and will identify himself as such on pleadings and other official documents. I think it's fine

for us to refer to him as an "interim U.S. Attorney" in talking points, with the understanding that by "interim U.S. Attorney" we mean [Attorney General] appointed, (as opposed to Presidentially-appointed and Senate confirmed) U.S. Attorney.

No. 3:

Overall, I think we should take the temperature way down—our guy is in there so the status quo is good for us. Ask for them to consider him; note that he is qualified and doing a good job whenever asked . . .

Here, again, they are telling him to tell us that he is doing a good job whenever asked. He hadn't been in office but 1 day when this thing was written. So, again, they are setting up a deception on the front end.

. . . pledge to desire a Senate-confirmed U.S. attorney; and otherwise hunker down.

No. 4:

The only thing really at risk here is a repeal of the AG's appointment authority.

You bet your life that is what is at risk because we are going to have that vote later today or tomorrow or Monday or Tuesday or at some point, and absolutely that is what is at risk because I think the Senate should change that law and should take that provision out of the PATRIOT Act, that they snuck in in the dark hours in a conference.

We intend to have DOJ legislative affairs people on notice to work hard to preserve this (House members won't care about this; all we really need is for one Senator to object to language being added to legislative vehicles that are moving through). There is some risk that we'll lose the authority, but if we don't ever exercise it then what's the point of having it? (I'm not 100 percent sure that Tim was the guy on which to test drive this authority, but know that getting him appointed was important to Harriet, Karl, etc.

I could spend all day talking about this memo. But, basically, in here they say that the Attorney General is going to tell us, Senator LINCOLN and me, about six or seven things, and they did every single one of them. This is the playbook. They say ask the Senators to give him a chance. Attorney General Gonzales did ask me that. Meet with him. He asked me to, and I did. Give him some time in office. He asked for that, even though usually people don't get a little test drive before they get appointed. He asked me—they wanted to delay, just run out the clock.

At one point he said if I am not happy they will interview other candidates that I am interested in. They also mentioned for me to consider him and to look at him in a way that he is doing a good job.

Here, again, every single thing in this memo was done. Again, this is the playbook. This is why I feel lied to. The truth is, I was lied to because I was told that the Attorney General—and he not only said it to me, he said it to the Senate Judiciary Committee and he said it to the world—the Attorney General wanted a Senate-confirmed U.S. attorney in every slot. That is absolutely not true in Arkansas based on this e-mail from the Justice Department.

I assure you when they put "good faith" in quotes that means they are not proceeding in good faith. They didn't proceed in good faith with me, and that is one of the reasons I think Attorney General Gonzales should resign immediately. I do not think he has the credibility to run that department anymore.

Let me tell you this. I was one of six Democratic Senators who supported Attorney General Gonzales' nomination and confirmation. I supported the PATRIOT Act. Not all Democrats did. I have worked closely with this Attorney General. I have always tried to deal with them and reach out to them and have a constructive, positive relationship. I believe that is what the people in Arkansas want me to do, and that is exactly what I have done.

But on this issue, Attorney General Gonzales has broken faith with me, he has broken faith with the Senate, and he has broken faith with the people of Arkansas. When an Attorney General of this country, who I believe should be held to a higher standard—not a political standard but a high standard of integrity because he should be all about justice, not politics; he should be all about justice—when the Attorney General lies to a United States Senator, I think it is time for that Attorney General to go.

Again, he not only lied to me as a person, but when he lied to me, he lied to the Senate, and he lied to the people I represent. For that reason I am asking him and demanding that he resign today.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor to speak on a different matter, but I want to compliment my colleague from Arkansas, who is not only a colleague and a true Arkansan but a great leader. I appreciate the passion that he feels and the issue that he deals with and feel very blessed to have him as my colleague from the State of Arkansas.

Mr. PRYOR. I thank the Senator.

Mrs. LINCOLN. Many of us believe that the events at the U.S. Attorney's Office and how they have been handled by the administration have been a real disservice to the people of this country and to the processes that provide the transparency so that our great democracy can work, so that the wheels of this great democracy can turn and the people feel confident and trusting in their Government because these processes have worked and provided that transparency. To have eliminated the processes, or to circumvent the process that provided that transparency, the administration has presented a real disservice to the people of this country and to the justice system and what it represents. So I applaud my colleague for so many of his comments today on that very issue.

THANKING STEVE PATTERSON

Mrs. LINCOLN. Mr. President, I come to the Senate floor this morning with a little bit of sadness but, more importantly, a tremendous amount of joy in my heart to salute an individual who has meant so much to me and to pay tribute and to say thanks to a very dear friend and longtime chief of staff of mine, Steve Patterson. For the better part of 12 years, Steve Patterson, or as we call him in our office, "Patterson," as he is known to me and to my staff, has faithfully served the people of Arkansas, as well as me.

He has been my most trusted adviser in both the House of Representatives and in the Senate. Words cannot fully describe the meaningful impact Steve Patterson has had on both my personal and professional life. When I first decided to run for the Senate, my husband said: We are in, but only if Steve Patterson is in. He has meant so much to our entire family. I know the comfort and counsel he provided my mother.

In so many ways, he has been one of those people who you know from your professional side of life is so critically important, but from your personal side of life now is an unbelievable individual in all he has done and accomplished.

When I think of Steve Patterson, there are a few words that stand out: integrity, solid conviction, justice, fairness. All of the words each and every one of us strives for in our everyday life I see in this individual, who has meant and continues to mean so much to me.

For the past 25 years Steve has been one of the most loyal and hard-working servants in Government. He has been a team player as far as a congressional team is concerned. He is big on team sports. But more importantly, he is incredibly devoted to the team spirit the country has and needs to be the success it is. I consider him a true confidant and will most assuredly miss him in that position.

Steve was born in Oklahoma City in 1950 but grew up in Alva, OK, where he graduated high school. He attended the University of Oklahoma in Norman but eventually transferred to Oklahoma State University where he graduated with a degree in journalism, and I have to say, unfortunately for my colleagues in Oklahoma who have adopted him, he has moved to Arkansas and he is one of our own now.

According to his wife Jean, Steve was always very interested in politics. One of her first memories was when she and Steve were friends at Oklahoma State waiting to vote for the first time in the 1972 Presidential election. To give you an idea of how far we have come in the issue of election reform in the last 35 years, Jean told me they waited in line for what seemed like an eternity to cast their very first ever vote in, of all places, the laundry room of someone's home on the top of a washer and dryer. Before they could even get to the bal-

lot box, they learned their candidate, George McGovern, was in the process of being defeated by Richard Nixon in a landslide. But you know what, they continued to wait in line. They voted despite the outcome they knew was probable because of their true convictions.

The experience of that election crushed a lot of young people and it caused them to turn away from the political process but not Steve Patterson. He has always wanted to make a difference and he has never cowered from any of the challenges that are faced when you have a conviction. He has got that conviction for many reasons, not because he loved this great country, not because he loves his family, not because he loves his fellow man, but for all of those reasons.

Shortly before he moved to Washington, Steve served as political reporter for various newspapers in Oklahoma and was working for the Lawton Constitution when newly elected Congressman Dave McCurdy asked Steve to become his press secretary. They had gone to college together, and there was a group of them, when Dave McCurdy was running for Congress, who all worked together to reach a common dream. The decision was not an easy one, however. When Steve moved to Washington, he was a single father, a very devoted single father. Money was tight in those days and the hours were long. He and my long-time systems administrator, who is still with me, Thirise Brown, were both young single parents and would on occasion have to bring their children to work. It is hard to imagine, or is it? Actually we see a lot of that these days.

Steve's daughter Paige and Thirise's daughter Tiki would often be oblivious to the major hard work that was being accomplished around them, and would have a great time getting into all sorts of trouble, watching as their two single parents worked desperately hard, not only in their conviction to provide for their children but also to make this country great.

Although Steve began as a press secretary, he quickly worked his way up to Chief of Staff. He was the Chief of Staff to my good friend Congressman Dave McCurdy and continued in that capacity until 1994. Shortly after, Steve became my Chief of Staff, joined me in my House times when I was in the House of Representatives. We were there together for 2 short years until I retired from the House to be with my newborn twins. Steve went to work for then Representative Jim Turner as his Chief of Staff. But it was not long until I was back on my feet and decided I was going to run for the Senate.

I begged Steve Patterson to move to Arkansas and to run my Senate campaign. The rest, as they say, is history. During our time together, Steve taught me so much and helped me gain the necessary skills to survive and navigate the tough political environment.

When Steve came on, he quickly proved himself to be one of the most capable and effective managers on Capitol Hill. I think that is certainly in the proof today with the many friends he has, of staffers and consultants and others in this town who have tremendous respect both for his opinion and his judgment.

You would be hard pressed to find a man with a greater drive, a greater competitiveness, or a greater work ethic anywhere. He truly loved working, as he always puts it, to change America and to make it better. One of Steve's greatest assets that continually blessed me is his ability to identify talented young people and give them the confidence and the ability to become outstanding professionals.

He never approached the young staff on Capitol Hill with a condescending attitude. It was always an attitude of empowerment: What is it you can do today with the talent you have, and how is it you can develop the new talents you need to take those next steps you need to take to reach that ultimate goal.

How incredibly important to have people in our lives who empower us to reach our potential and to reach our goals, to reach for the stars, not just for ourselves but for our great country, and for those whom we love. There is no greater blessing than to see someone who gives of himself to make sure others can reach their potential.

Steve has mentored young men and women on my staff who have gone on to become House and Senate Chiefs of Staff, congressional State directors, campaign managers, State party directors, and a multitude of other positions. Steve also encouraged those in my office who showed great aptitude to continually challenge themselves and take on new responsibilities, never to shut a door or an opportunity they may have thought was too big or out of their realm, but encouraged them to do as much as they possibly could and to reach for those stars.

Nearly all of my current senior staff served me in some shape, form, or fashion, whether as an intern, a staff assistant, or a legislative correspondent before being promoted to their current position, and they did so with the recommendations of Steve Patterson, who said: Learn all the jobs in this office so you can talk about and know what it takes to make this office tick and to make it great.

Steve left me in capable hands, and I truly believe Steve's ability to nurture so many of the best and brightest political minds our State has to offer will be one of his lasting legacies.

But what also makes Steve special is he was more than a great boss to my staff; he has been a tremendously great friend to me and to my family.

Steve is a self-described Green Bay Packers and Cincinnati Reds fanatic as well as an Oklahoma Sooner and Oklahoma State Cowboy supporter. Steve was known to be commissioner or at

least participated in fantasy football and baseball leagues with the staff. March was not complete without the famous Patterson annual March Madness pool. We think about it now as we move into those basketball playoffs.

Steve was an avid Senate softball player in his earlier days and took up golf in his later days. He loved getting the staff, both male and female, outside the office for these kinds of great activities of coming together in fellowship and fun and making sure our office was tight, not just in the responsibilities we had to accomplish but in the friendships we could build and things we should share with one another in helping each other to grow in our stature and in our accomplishments.

It was his passion for those things that endeared him to them and built bonds that went between the typical employer-employee relationship. It is what also made our office strong and will continue to make our office strong as we see the quality in all of those attributes we build both professionally as well as the fellowship with our fellow man.

Lastly, I couldn't talk about Steve Patterson if I did not mention what a terrific family man he is. "Punchy," as he is known in his family, was a wonderful son and is an exceptional husband and a father. In 1984 Steve married Jean, and shortly thereafter, they had a daughter together, Megan. Steve was devoted to both Paige, his first daughter, and Megan.

While in Virginia, he was active as a soccer coach for almost 10 years. Many of our staff remember this decked-out van he drove. He loved his van because he loved the time he spent in it traveling the State and the parameters of the State of Virginia with his girls on soccer tournaments. He drove to work in the van, but on the trips his daughters went on with the soccer tournaments, it was transformed. It was a home unto itself and he loved it.

He was more than a loving father, he was also a caring son. I was able to see that. His parents came to live with his family in 1985 when his mother was ill with breast cancer. Steve, Jean, and the girls cared for his mom until she passed away in 1994. I talk oftentimes about my own family, my grandmother living with us when I was growing up and what an incredible experience it brought to me and to our family. I could see Steve saw the value not only in what he could do and the love he could share and provide for his mother and father but also what it meant to his family to be a part of a larger giving in love.

When Steve moved to Little Rock in 2003 to run my Senate reelection bid, his father moved with them and they lived in Little Rock until he passed away in 2004. Steve's father had suffered from diabetes, and his affliction led to Steve's involvement as chairman of the Central Arkansas American Diabetes Association.

Giving back to the community was always a tremendous priority for him.

As can you see, Steve Patterson is one of a kind. We will certainly miss him in the office. But I take comfort in the fact he will not be too far away—always an arm's reach or a phone call away—he has guaranteed me that.

He has now chosen a new career path and has opened a political consulting firm with two of my former staffers in Little Rock. They are doing great things, working hard and enjoying life. In his new tenure he will specialize in fundraising, strategic planning, and grassroots coalition building, which is something he is unbelievably talented at.

Life's journey is a great journey and the road we travel is one, as we look back, that provides us so many opportunities, so many blessings. I cannot think of a greater blessing than to be able to travel that road with a great friend such as Steve Patterson, not only in the past but in the future, in the many years ahead.

I am enormously grateful, Steve. I wish you the best of luck in your new endeavor. I know you will be successful as you embark on your new path. I cannot thank you enough for all you have done for me and so many others throughout your career in service to Government. From the bottom of my heart, thank you for your faithful friendship, your service to me, the great State of Arkansas, and without a doubt your country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Texas.

IRAQ

Mrs. HUTCHISON. Mr. President, I rise to talk again to the resolution pending on the floor. I look forward to having the debate continue on the other options for the resolution.

I am against the resolution on the floor because I do not see a purpose. I do not see a purpose for a nonbinding resolution that makes America look irresolute. What could we be thinking to try to take something across the floor of the Senate or the House of Representatives that would give any signal to our allies or to our enemies that we cannot finish a job, that the war on terrorism is important but not important enough to see it through?

I think of the young men and women who have died in this war. They are giving their lives, the ultimate sacrifice, as part of their legacy to our country. They are leaving something for our children and grandchildren and their children and grandchildren.

If we pass nonbinding resolutions that undercut the mission and the purpose for which they have given their lives, which is the war on terror, to keep freedom in America, we would be doing a great disservice that is undeserved for those great patriots. Our young men and women throughout the years have been willing to go into the volunteer service. The people who are fighting in this war are volunteers.

We have had volunteers and even people who didn't volunteer in past wars to make sure that America stood strong for freedom. I cannot imagine that the Congress during World War II would have passed a nonbinding resolution to say: We don't think our troops should be in Europe.

We are sinking to new lows. I hope we can resist the political winds that have caused us to get to this point. The only reason we would pass a non-binding resolution is to send a political message. I don't think the Senators who have stood on this floor for decades before us would have passed resolutions that meant nothing except to send a message that would undercut our troops in the field.

Do the people who want to pass a resolution such as this believe this isn't an important war? We are fighting for our children's futures every bit as much as we have in any conflict in which we have been engaged. We are fighting to keep terrorists from coming back to America and threatening our way of life and the opportunity that America offers for our children. If we look irresolute, if we look weak, if we look as if we can't be strong, we will put a blemish on the sacrifice that has been made already by so many of our young men and women, and we will undercut those who are serving right now in the theater in Iraq. I can't imagine, when we think this through, that that would be the course that a deliberative Senate would take.

The President of the United States knows we have not achieved the success we hoped to. For that reason, he is taking a different course. Any one of us in Congress might have done it a different way. There is no question that many in Congress are concerned about the mission. That does not mean we take the step of a nonbinding resolution that says we don't support the Commander in Chief. The Constitution didn't provide for Congress to command our military. The Constitution provides one Commander in Chief, not 535. It would be so wrong for 535 people to second-guess the Commander in Chief, who has announced that the plan he has put forward is one that was made in the military.

Many of us talked to General Petraeus. We asked questions, because there are questions about embedding our troops in the field outside the protected zone. General Petraeus totally defends the plan. He takes the responsibility for the plan. He believes it will work. In fact, there are signs things are getting better. There are signs the Iraqi Government is strengthening its measures to crack down on insurgents, militias, any of the groups that have been killing innocent people. There are signs that there are ways this could succeed.

During one of the Senate Armed Services Committee hearings, Senator LIEBERMAN asked General Petraeus if a resolution such as we are voting on today would give the enemy some en-

couragement, some clear expression that the American people were divided. General Petraeus answered:

That is correct, sir.

We have been talking about this for the 2 months-plus that we have been in this session of Congress. We certainly talked about it all last year. We will continue to talk about it. I hope what we say on the floor is carefully crafted so we can disagree with people who do support this resolution, and we can do it based on the Constitution, on principles of war, on the relationship that Congress should have with the President. All of these are legitimate. There can be disagreements about what is the best approach for finding success, but what we cannot disagree about is that we must win the war on terror, we must show America's commitment, and we will not undercut our troops who are in harm's way today.

I have seen all the iterations of the resolutions that have been proposed by the majority. They have changed many times. Some of those resolutions even set deadlines for us to withdraw troops. What do my colleagues think that does for the troops who are there right now? If our enemy knows we are going to start the withdrawal of troops on a certain deadline, what does that do to their treatment of the people who are on the ground right now? They would consider that we have put a bull's-eye on every one of our young men and women with boots on the ground right now. It would be akin to saying: We are going to leave here so whoever is here now is not going to have the support needed to finish this job. If we are not going to finish the job, why wouldn't they step up their efforts, which is exactly what they would do.

We have to look at the reality. No matter what kind of front we would put on a resolution that shows that we do not have the resolve, the commitment to see this through, it will embolden the terrorists. When the terrorists think we are going to leave or that we can't take it, that we have to start an exit without regard to the success of the mission, then what would keep them from beginning to take over Iraq, make it a terrorist haven, make it the training ground from which they could proliferate weapons of mass destruction and terrorists all over the world? We have already seen that in many specific instances. This would give them a bigger field in which to train, one that is not going to be necessary to hide. It will give them more revenue to produce weapons that could hurt even more.

I have cosponsored S. Res. 70, the McCain resolution, which renews our commitment to defeating the terrorists in Iraq and winning the war. That is a resolution that we should all support. Congress has the right to cut off funds, but I cannot imagine that responsible Members of this body would vote for a resolution that would cut off funds and say we are not going to give the troops who are there the equipment, training,

and protection they need to do the job. That would be unthinkable. That is one of the resolutions also pending for us to address.

Losing this war will not make America safer. This is a war that must be fought. It must be won, not just for the sake of the Iraqi people. It is for the sake of America. It is for the sake of freedom. It is wiping out terrorists where they are so they do not harm innocent people in America again.

I hope cooler heads will prevail. I hope this deliberative body that has a great history for our country and in the world will see we should not be taking the political position. We should not be testing the political winds because what we say has consequences. What we say can be used as propaganda against our troops who are in harm's way. Most certainly, it can be used to embolden those who are training right now to attack America.

I hope, in the end, we will defeat the Reid resolution, that we will take up some of the other resolutions, and we will keep in mind that what we say and the longer we talk about it, the more dangerous it can become for our troops and for the likely success of the mission that is before us. We want the Iraqi Government to take the responsibility for the safety and security of the Iraqi people. What do Senators think the Iraqi Government is going to do to make that happen, if they think America's resolve is wavering, if they think we might set a deadline in which to leave, if they think we might start a graceful exit before they have the ability to achieve security?

We can't let the Iraqi Government think we are going to plan for an exit before we have won the war, secured Iraq, kept the terrorists from having a training ground and revenue to harm more innocent people in the world or we will not be standing for the traditions and the spirit and the commitment to freedom that Americans have made throughout the generations of our country.

That is not a legacy I think any Member of the Senate would want to leave. I certainly do not want to leave that legacy for my children and grandchildren, nor for the children and the next generation of the State I represent and love so much, the State of Texas, nor for the children and grandchildren of Americans, the country I am serving. I hope we will not forget exactly what our legacy will be if we do the political thing rather than the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Texas, who is indispensable to the Senate.

Today we are confronted with a struggle that could very well define the world in which our children and their children will live. Many will say this statement is hyperbole or politically

expedient and designed to disguise a troubled policy. I only wish that were so.

Today we are fighting to prevent Iraq and Afghanistan from disintegrating into failed states, where that chaos will be exploited by those who wish to undermine—and even destroy—mainstream Muslim and Western civilization.

In the past, these terrorists used Afghanistan and other developing nations as safe havens from which attacks against Americans were planned and executed throughout the world. One hardly needs to be reminded of the bombings of our Embassies in Kenya and Tanzania or the attack on the USS *Cole* to see this is true, not to mention the events of September 11, 2001.

What would happen if we were to permit these terrorists, and others who wish us ill, to have another such safe haven? Of what would they be capable? Just today we have read in the papers of Khalid Shaikh Mohammed's confession to many of the world's worst acts of terrorism. Remember that from Afghanistan, a country without significant infrastructure or resources, these terrorists were able to orchestrate the greatest attack on American soil since Pearl Harbor. Just imagine what their capabilities would be if they were able to control only a fraction of the oil wealth of Iraq. Is that the world in which we want our children and our grandchildren to live—a world in which uncertainty and fear become a part of everyday life?

As one prominent Democrat stated before he reversed his position and announced his intention to run for President:

... we cannot and will not retreat. We will defend ourselves and defeat the enemies of freedom and progress.

Were mistakes made in the conflict in Iraq?

In a word, yes. I am sad to say important errors were made. Perhaps one of the greatest occurred over the past 30 years right here in our Nation's Capital. Past and present administrations, Congresses, and Department of Defense leaders primarily concentrated on training and equipping our forces to fight what is called in military circles "The Big War."

In such a conflict, large formations of mechanized divisions, corps, and armies seek to fight decisive battles on a conventional battlefield. This is not to say maintaining such a capability is no longer vital to our national security. It remains an absolute necessity.

However, in large part, due to the resolve of many of our military leaders not to fight "another Vietnam," for the bulk of our Armed Forces, the skills necessary to fight a counterinsurgency had withered and atrophied. This is exemplified by the fact that the Army-Marine Corps Doctrine for Counterinsurgency had not been updated for 20 years, until December of 2006.

As General Petraeus, our new commander in Iraq, wrote 1 year ago:

[T]he insurgencies in Iraq and Afghanistan were not in truth the wars for which we were best prepared in 2001; however, they are the wars we are fighting and they clearly are the kind of wars we must master.

Other dire mistakes were made.

Many of those errors can be directly attributed to the decisions made by the Coalition Provisional Authority which originated from or were ratified by the senior civilian leadership at the Pentagon at the time. This includes the decision to disband the Iraqi Army without providing alternative means for the employing and sustaining of its former members. These former Iraqi soldiers went on to become the foundation of the initial insurgency. We might have been able to prevent that had we chosen another route.

Another mistake was the decision to eliminate the first three levels of leadership, not only in Government ministries but hospitals, universities, and Government-run corporations. Managers, no matter how junior, who were members of Saddam Hussein's Baathist Party were removed. The result was those who had the managerial experience best suited to rebuild Iraq's institutions were arbitrarily dismissed, even if they had not played any role in Saddam's atrocities.

In sum, many of the problems we confront today are as a result of our own shortsightedness and the administration's failure to fully and comprehensively develop and execute a plan for stabilization of Iraq after the fall of the Saddam regime.

So how do we go forward? We do have options.

Some, such as the authors and supporters of S.J. Res. 9, argue that we should unilaterally bring the bulk of our forces home from Iraq. Yet we all know what would happen if that were to occur. Iraq would be a failed state offering a safe haven for terrorists, not to mention the thousands and thousands of Iraqis who would be killed. Those who make this argument forget—or perhaps they do not know—that unlike our war in Vietnam, we face an enemy who is religiously committed to bringing the fight here to our shores. If the terrorists know we will withdraw the bulk of our forces in 120 days, as this legislation calls for, all the enemy has to do is husband its resources or "lie low" until that date. Perhaps the terrorists will launch fewer attacks to lull us into a false sense of security that this defeatist strategy is working. Then, with the cold calculation for which these terrorists have become notorious, they will spring on the Iraqi people before their Government's institutions—which were completely destroyed in 2003—can mature and fully take over the reins of fighting and defeating this insurgency.

These are not compelling options. At their core these "solutions" do not have the goal of victory but consist of resignation to an inevitable defeat.

So how do we win? How do we defeat the terrorists and give the Iraqi people

a fighting chance to claim a destiny of their own, a destiny that is based upon peace and the rule of law? The answer is not simple, but what great endeavor ever was?

First, we must learn from our mistakes. Then we must implement a strategy that harnesses the tactics and strategies that have defeated other insurgents in the past and apply those lessons to the conflict in Iraq. That is what our new strategy, called Operation Fard al-Qanun—which is Arabic for "enforcing the law"—sets out to achieve.

So what is this operation's strategic objective? Once again, I believe General Petraeus said it best at his confirmation hearing. He said:

[T]he mission . . . will be modified, making security of the population, particularly in Baghdad and in partnership with the Iraqi force, the focus of the military effort.

I could not agree more. Creating a secure environment is the essential task. This is accomplished not just by conducting operations to clear an area of insurgents but by maintaining an American/Iraqi security force in cleared areas which assists in providing essential services such as clean water and power to the local population and enforcing the rule of law. This, in turn, creates conditions where the Iraqi people can begin to develop a growing economy and where families feel safe to send their children to school. As these goals are achieved, more and more of the population will desire even greater stability and will support and work toward creating Iraqi Government institutions and security services that maintain and enhance this new security environment.

How is this strategy different from past endeavors? Unfortunately, in the past there were far too few American and capable Iraqi forces available to provide adequate security once an area had been cleared and, frankly, there are cases where political impediments prevented us from providing adequate security. That is why the additional forces we are sending to Iraq are so important. It is not more for more's sake but to maintain a secure environment for the Iraqi people.

This does not mean that our forces will be going it alone. Far from it. A key principle of the new strategy is to enhance and strengthen our efforts to advise and train the Iraqi military and police forces so they may eventually take over primary responsibility for the defense of their own nation. We must also remember that training was one of the major recommendations of the Iraq Study Group. Indeed, one of the members of my own party, who has authored legislation disagreeing with this new strategy—despite voting for the nomination of its implementer, General Petraeus—stated that Iraqi forces:

... while they're not fully independently capable of operating, they're excellent and trustworthy and fighting hard with our troops today . . . I would be willing to serve alongside those Iraqi forces.

I believe it is also important to add that, as of last week, three of the four Iraqi battalions that recently entered Baghdad were at above 100 percent troop strength. Another vital element is our new commander in Iraq, General David Petraeus. I can think of no better choice for implementing our new strategy.

General Petraeus has long been a student of counterinsurgency warfare. In the 1980s, when he received his Ph.D. from Princeton, he closely studied counterinsurgency operations.

During the initial race to Baghdad, the General commanded the 101st Airborne Division, and he is largely credited with devising and implementing a strategy that secured the city of Mosul immediately after the initial combat phase.

Later, when he commanded our effort to train the Iraqi Army, General Petraeus implemented the Transition Team concept. A Transition Team is composed of a group of advisers, primarily officers and seasoned non-commissioned officers, who serve with Iraqi units from those units' inception, including basic and advanced training and eventually combat operations. This is an important strategy, since experienced U.S. soldiers learn firsthand the operational characteristics and requirements of Iraqi units and tailor a training program to fit the units' needs. It also provides a detailed analysis of the individual Iraqi units' combat capabilities. General Petraeus was also one of the authors of the updated Army/Marine Corps Field Manual on Counterinsurgency which was published in December of last year.

I do not know of any other officer with the intellect and experience necessary to carry out successfully this new strategy and win the war in Iraq. He has my confidence and apparently the confidence of most everyone in the Senate since 100 percent voted for him and he clearly articulated this new strategy. But what he needs is our support and time to carry out his new strategy.

One must also remember that all of the additional forces needed to fully implement this new strategy will not be in place until early June.

As the General stated in a recent news conference:

We are, in any event, still in the early days of this endeavor, an endeavor that will take months, not days or weeks, to fully implement, and one that will have to be sustained to achieve its desired effect. . . . I have been on occasion bemused by people "Hey, how's it going? Have you won yet?" And the answer is we've just started. Just the second of five brigades [has arrived]. . . . Our soldiers are resolute. They want to see this succeed, as do their Iraqi counterparts, and that is exactly what we're endeavoring to do.

So what do we offer him and the soldiers, sailors, airmen, and coastguardsmen under his command? We offer guaranteed defeat in the form of a joint resolution.

But with great respect for General Petraeus, I believe we have already

seen some preliminary success. For example, Richard Engel, an NBC News reporter who has lived in Iraq for the past few years covering the war, responded just last month about our change in tactics. He said:

Night and day. There's a radically new war plan under way in Baghdad right now. For the past four years, U.S. troops have been on main bases, most of them outside the city center, some of them in Baghdad itself, and then have been effectively commuting to work. Now they live at work, they're living in small forward operating bases. . . . It is a very different strategy. We're seeing foot patrols again that we haven't seen in Baghdad for a long time, more hearts and minds campaign. . . . It's very much a new war. A lot of people say that this feels like '03, that the war is starting again and that this is a new battle plan. The battle plan to end the war in Iraq and finally establish some sort of stability.

I would also like to address a matter that, more than any other, has weighed on my heart over the past few years. That question is, Do we, not just as a nation but as a people, have the will to see our obligations through? This has always been an important question. But now, during an insurgent war, where the side with the greatest will, not technological advantage, will generally emerge victorious, it has become the essential question.

So now we must ask ourselves: Do we have the will to see right triumph? Do we as Americans believe in making sacrifices for the greater good? History provides an answer.

Almost 230 years ago, the Continental Army began a retreat, or more accurately a route, from Brooklyn Heights over the island of Manhattan into New Jersey and then across the Delaware River. General Washington had fewer than 1,000 troops and was confronted by the greatest Army of the day. The Continental's enlistments were up and many soldiers, lacking basic supplies and even food, were making plans to go home. For all intensive purposes, the American experiment in democracy, where all men were to be treated equal, was about to end.

Then something miraculous happened. A writer named Thomas Paine wrote a pamphlet entitled "Crisis." But panic was not his essay's subject. He wrote about commitment and faith that freedom would one day be victorious. His words still echo today:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now deserves the love and thanks of man and woman.

Shortly, after the Continental Army heard these words, the morale, which had been crushed by the cold winters of New Jersey, was restored enough for General Washington to launch the raids on Trenton and Princeton, thus saving the young Republic.

Commitment and faith had been restored—the faith that freedom is worth fighting for, that it is worth sacrificing for, and that is what we as a Nation must remember now more than ever.

I see the leaders are on the floor, and I will not take any more time, so I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I appreciate the distinguished Senator from Utah being his usual courteous self.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 9 be agreed to and that the Senate now begin debate en bloc on the following: S.J. Res. 9, S. Res. 107, and S. Con. Res. 20 by Senator GREGG; that there now be 4 hours for debate on the above items equally divided between the two leaders or their designees; that no amendments or motions be in order to any of the above; that at the conclusion or yielding back of that time, the Senate vote on each of the above in the above order; and that the preceding all occur without intervening action or debate; further, that there be 2 minutes for debate equally divided between each vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, since a filibuster is any Member's prerogative, I renew my consent with 60 votes required to pass each measure; and that if any measure fails to get 60 votes, the vote on passage be vitiated and the item be returned to its previous status.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, let me also say, when we complete these votes, we are going to move to three judges, one circuit court judge and two district court judges. So Senators should be alerted that we could have six votes.

Mr. President, I note 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.

UNANIMOUS-CONSENT AGREEMENT—S. 214

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 19, at 2 p.m., the Senate proceed to the consideration of Calendar No. 24, S. 214, a bill to preserve the independence of U.S. attorneys; that when the Senate considers the bill, it be considered under the following limitations: that there be 6 hours of general debate on the bill, with the time equally divided and controlled between Senators LEAHY and SPECTER or their designees; that once the bill is reported, the Committee-reported amendment be agreed

to and the motion to reconsider be laid upon the table; that the only other amendments in order be the following: the Kyl amendment regarding the nomination and confirmation of U.S. attorneys; the Sessions amendment regarding appropriate qualifications for interim U.S. attorneys; that debate on each amendment be limited to 3 hours equally divided and controlled in the usual form; that the amendments have to be offered and debated during Monday's session, except as noted below; that on Tuesday, the Senate resume consideration of the bill immediately after the opening proceedings and there be 90 minutes of additional debate time on the bill and the amendments are to run concurrently with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, but not later than 11:30 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the Kyl amendment, to be followed by a vote in relation to the Sessions amendment; that upon disposition of the amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill, as amended; that the text of these amendments be printed in the RECORD once this consent is granted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 459 and 460) are as follows:

AMENDMENT NO. 459

(Purpose: To ensure that United States attorneys are promptly nominated by the President, and are appointed by and with the advice and consent of the Senate)

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

“(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

“(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.”.

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

AMENDMENT NO. 460

(Purpose: To require appropriate qualifications for interim United States attorneys)

On page 2, line 23, strike the quotation marks and the second period and insert the following:

“(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

“(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

“(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

“(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.”.

Mr. REID. Mr. President, in view of the agreement just entered, I now ask unanimous consent that the cloture motion be withdrawn.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, let me say these few minutes Senator McConnell and I have spent on the floor have been just a brief interlude, but getting to this point has taken hours and hours of people's time. I think we are at a point now where we have had a good debate over the last several days and we will have one today. We are moving into another contentious issue, which will be resolved Tuesday morning. So I think we have made great progress. I think it speaks well of the Senate, in spite of the closeness of the margin between Democrats and Republicans, that we are able to get things done. Sometimes it is a slow process in getting things done, but I am confident this is good for the body and the country.

Mr. President, also it is important that everyone be notified—we were scheduled to have a vote Monday at 5:00 or 5:30—that it is not necessary. We have a lot of work going on. We have the debate on the budget that will take some time. We are going to complete this U.S. attorneys issue and we are going to complete three judges today. So in short, there is no need to have a judge's vote, though we have two remaining on the calendar, and I think we will accomplish what we need to do. So there will be no votes on Monday night.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me echo the remarks of the majority leader with regard to the painstaking process he and I have been through over the last day and a half trying to reach an agreement on the Iraq debate. I think it is an agreement that is satisfactory to both sides. It gives Senators an opportunity to express themselves on what is clearly, arguably, the most important issue on the minds of the American people at this particular juncture in our history, and we look forward to the debate starting shortly. Senator INHOFE will be here to control the time on our side, so let the debate begin.

Mr. REID. Mr. President, I ask unanimous consent that the final 20 min-

utes of the debate relating to matters regarding the Iraq resolutions, the first 10 minutes of the 20 minutes be for Senator McCONNELL, the second 10 minutes right before the vote be under my control.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNITES STATES POLICY IN IRAQ RESOLUTION OF 2007—S. J. RES. 9

EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS.—S. RES. 107

EXPRESSING THE SENSE OF CONGRESS THAT NO FUNDS SHOULD BE CUT OFF OR REDUCED FOR AMERICAN TROOPS IN THE FIELD WHICH WOULD RESULT IN UNDERMINING THEIR SAFETY OR THEIR ABILITY TO COMPLETE THEIR ASSIGNED MISSIONS.—S. CON. RES. 20

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided between the parties.

Mr. INHOFE. Mr. President, it is my understanding the debate will start with our side. I encourage all Members who wish to be heard on our side on any of these resolutions to come to the floor and be heard.

Let me share some thoughts. This is a rather awkward situation we find ourselves in because we are debating three resolutions concurrently. Frankly, one of the three I have not even seen yet, so it is very difficult to debate something you have never seen. But I do know from the past discussions the type of concerns people have, the differences between, quite frankly, the Republican side and the Democratic side. I know it is not right down party lines, but let me share some concerns I have and some thoughts I have.

We heard from several Senators who expressed their concern over our micro-managing the war from this body and from the body of the other side. Five hundred and thirty-five people cannot be Commanders in Chief. It seems as if that is what is happening. Also, I observe, and I am only speaking for myself, that this thing has become highly politicized. When the war first started,

the whole idea of weapons of mass destruction was the media trying to make us believe that is what it was all about, but that isn't what it was all about.

I was on the Senate Armed Services Committee during that time, both before and after 9/11, and I observed what was going on. I observed what was going on in Iraq for a long period of time. I had the honor back in 1991 of going to Kuwait on what they called at that time the "First Freedom Flight." There were Democrats and Republicans on that flight. We were the first ones to land in Kuwait. The Iraqis didn't even know the war was over at that time, and the oilfields were burning in Kuwait. I remember Tony Coelho was one of the Democrats who was on the trip, and Alexandria Hague was one of the Republicans on the trip.

He also had the Ambassador from Kuwait to the United States and his daughter on the trip, going back for the first time to Kuwait to see what damage was done by Saddam Hussein in Kuwait City. I remember so well—I don't recall the age of the daughter; maybe she was about 8 years old. I remember so well that when we landed, the oil fields were burning, Iraqis were still fighting, not knowing there had been an agreement and fires should have ceased by that time. They were still shooting at each other. When it calmed down, we went to their home.

Keep in mind the Ambassador to the United States from Kuwait was of nobility and he had a daughter with women. They had a mansion on the Persian Gulf, a beautiful place. We got there in time to see that their house had been used as one of the headquarters of Saddam Hussein. His young daughter wanted to see her bedroom, her stuffed animals and things girls want to see. We found out her room had been used for a torture chamber. There were body parts stuck to the walls, human hair and hands, where the torturing had been taking place.

I think sometimes people forget about how bad this guy was. We hear a lot about Adolf Hitler, and this guy was certainly the worst since the brutality of Auschwitz and Hitler and, of course, the Holocaust. If you had been there and looked down and seen the bodies in the open graves, if you heard the testimony from others whose daughters could not get married because they could not have weddings on the streets of Baghdad because, if they did, people would come in, the Iraqis, and Saddam Hussein's sons would come in and mob everybody and they would kill people and take the pretty girls and rape them and bury them alive. These atrocities that took place were inconceivable to people.

You don't hear about this in the media. They say they didn't find weapons of mass destruction. Well, you know, that is a moot point. There were weapons of mass destruction because they used weapons of mass destruction. They used them in the northern parts

of Iraq. Saddam Hussein brutally, painfully murdered his own people, and the types of gases used in these weapons of mass destruction were the most painful kind that would torture people to death, burn them from the inside out. All the time this was happening, we heard testimonials about how Saddam Hussein was treating his people he thought perhaps were his enemies and didn't follow him after the war in 1991, and how they would put people to death, torture them, and drop them into vats of oil. The victims would be praying that they would put them in head first because their life would be over sooner. It was the same with the massive machines—like what we call shredders in this country—where they would shred the live bodies of these individuals. They used the most brutal types of torture imaginable.

I thought once they get Saddam Hussein and once he is disposed of and is dead, people will realize this monster is not coming back. Unfortunately, there are other monsters who would take up the mantle. These things have gone undiscussed, unnoticed. Even if there had not been weapons of mass destruction—which there were, because they used them, either chemical or biological, which is just as cruel as nuclear, and effective, and it kills many people. Even if that had not been the case, America could not stand by and watch that type of thing happening.

I have had the honor of going back more times than any other Member of the Senate. I will be going next week. It will be my 13th trip to the area of responsibility in Iraq. Each time I come back, after seeing the progress that is being made, I read the newspapers, the press accounts, and there is no relationship between reality and the press accounts we get.

I had the honor of being in Fallujah during a couple of the elections. The Iraqi security forces—people are not aware of this, but they allowed them to vote a day in advance of the normal voting that took place. I was purposely at a couple of these elections in Fallujah because that was where the problems were supposed to exist. That is where our marines were. They conducted door to door and they did incredible and great work at that time. The Iraqi security forces were the first to go down and vote. I remember one night having them come back and talk about the threats that had been made on their lives. Some were shot during the process. They were willing to risk their lives to vote and then to help the people vote the next day. The next day, the other Iraqis came to vote. We all heard about the fingerprinting and holding up with pride their stained finger, which would be a death sentence on individuals. In this country, when such a small percentage of the people vote, and we look at those who are willing to risk their lives, I think how dear that privilege is and how we do not appreciate it as we should.

Anyway, they voted and, of course, they knew when they were going to

vote, they would be in harm's way, and many were shot. There are heroic stories of Iraqis going to vote where they would lay down their lives and get in the line of fire to save somebody else. So these were experiences that we had, the real reasons for being there.

As we approach these resolutions—I see my friend from Missouri is here and I will soon yield to him whatever time he asks. As we discuss the resolutions, I want people to keep in mind the one thing those of us who believe the generals are more capable of running this war than are the individuals in this body, the 535 Members of the House and Senate—and of the 535, many of them want to be Commander in Chief; many are running. The generals make these decisions.

At this time, I ask my friend from Missouri how much time he wishes.

Mr. BOND. I would like 15 minutes.

Mr. INHOFE. I yield 15 minutes to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague from Oklahoma. I appreciate the opportunity to talk about this very important subject. Some have said we don't want to debate the war in Iraq, but we have been doing that and I am happy to debate it.

We are at war. One of the jobs of this body is to support our troops when we are at war. As such, we should be taking up the supplemental war funding bill that will directly support and aid our service men and women and support the efforts underway in Iraq and Afghanistan.

I regret the Democratic leadership has chosen to delay acting on funds our troops in the field need and must have by the 1st of May. Here we go, talking about resolutions. We are taking up nonbinding resolutions. The key one is nonsensical; it would serve only to undermine the morale of our service men and women and boost the morale of our enemies. S.J. Res. 9 has a clear message, if not to Americans reading the news, certainly to our enemy: America has been defeated. America does not have the will to win. Or we cannot defeat American troops on the streets of Iraq, but we can defeat America in the halls of Congress. That is what they will be saying.

Out of the 17 different resolutions the majority has worked with and introduced, they have decided to debate S.J. Res. 9—one in a litany of defeatist, micromanaging resolutions that have been offered by the other side.

Like so many of the others, it calls for a retreat and it ensures defeat. Such a retreat, in its wake, would create a bastion of instability, violence, regional conflict, and a launching point for future attacks on our allies and this Nation such as that witnessed after 9/11. The intelligence community, in public testimony before our committee in January, publicly stated that the very real three-pronged threat of turning Iraq over to the chaos is a serious challenge we all should consider.

Fortunately, those of us who believe the generals ought to run the war have the Constitution on our side, which specifies that the President—not those of us in the 535 Members of Congress—is Commander in Chief. The proponents of S.J. Res. 9 to set deadlines must now believe they are more equipped, better informed, and have better judgment than the leaders and military commanders they recently and unanimously confirmed.

Is the American public to believe that the legislators in these beautiful halls, 8,000 miles away from the front, are better equipped to develop strategies than General Petraeus, whom this body confirmed unanimously to lead U.S. forces?

I think the Founding Fathers were right at the time and they are right now. We do not fight wars in the Halls of Congress. We cannot win this war by resolutions we pass, but we can lose the war in the Halls of Congress. My colleagues on the other side of the aisle continue to cite public opinion polls about Iraq as well as a reason why we should pull out. What may be perceived to be popular in the short run, regrettably, will in the long run compound into an even bigger problem that will end up costing us and our allies far more blood and treasure.

Further, when it comes to national security, we ought to be governing on principles, not on public opinion polls.

The American people want victory, not defeat. They are demanding progress, which the new security plan was designed to produce. Incidentally, this new plan fits almost exactly with the recommendations of the Baker-Hamilton committee, which so many people on both sides of the aisle said would be the ultimate solution. Well, General Petraeus and the administration are carrying out the details of the Baker-Hamilton plan, and now we are changing our mind. Why? Well, some, I fear, may be inspired by a loathing of President Bush. But even to those of you who do, I appeal to you to recognize the President is not the enemy. The enemy is ruthlessly chopping the heads off innocent civilians in front of cameras, blowing up schoolchildren, blowing up places of worship. One Army officer recently e-mailed me and said:

I proudly served in Iraq. I know who the enemies of America are. I have met them in person. Our President is not the enemy.

This would not be George Bush's defeat or victory. It will be an American defeat or victory, and the sooner we understand that, the sooner perhaps we can be united.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund, recently wrote a piece in the *Washington Post* describing the sad state of current political affairs. It was entitled "Grand Illusion." In the piece he asserted:

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 that "they've launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia."

This is appropriate advice. He says:

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.

Despite many people's dissatisfaction with the war, I don't think a majority of Americans want us to withdraw, to retreat and admit defeat.

Throughout the debate, we have also heard references and comparisons made to Vietnam, that this is a quagmire, that the war is unjust, poorly managed, it threatens our individual liberties, it is unwinnable, and the only option is to pull out. All of the very same things were said during the campaign against President Lincoln in 1864, with well over one-quarter of a million dead Americans; after the Union suffered 7,000 casualties in 30 short minutes at Cold Harbor; and until Sherman won in Atlanta.

If you look at our history, anybody getting 24-hour television news during the battles Americans fought against the British in 1776, you would have had to say we were in worse shape than we are now.

When you look at the conditions our troops were in before D-Day and all the things that went wrong, 24-hour news coverage would have convinced an overwhelming majority of the American people to forget it, pull the plug, let the Nazis have it. But if somebody used Vietnam as a model—and it should be used completely—I think it reminds people of the image associated with Vietnam that too many ignore.

I suspect this is a historical photo that many of our murderous enemies dream would be superimposed over the rooftops of Baghdad. These are the people left behind. We left behind people. Some 2.5 million were murdered after we pulled out of Vietnam.

This is, of course, the final, classic departure, people trying to get away. Those who didn't were slaughtered.

Our enemies throughout the radical Islamist world are all too familiar with immediate withdrawal and retreat. We withdrew from Vietnam, we withdrew from Beirut, and we withdrew from Mogadishu.

These repeated withdrawals signaled to our enemies all over the world that if they inflict enough damage on our most heroic citizens, the Marines will never surrender but Washington will.

And make no mistake about it, they are watching. They are watching to see what we will do in Iraq.

These repeated withdrawals invited the 1993 World Trade Center attack, the bombings of our embassies in Africa, the USS *Cole*, the Khobar Towers, and eventually 9/11. None of these actions occurred because of our action to liberate Iraq. Five or six of these attacks occurred before President Bush took office, and George Bush did not invent the danger from radical Islam.

Further, the notion of separating al-Qaida from the sectarian killers can only be contemplated from as far away as Washington because al-Qaida is targeting the mixed neighborhoods and has overtly promised sectarian violence to undermine the Iraqi Government and to weaken U.S. Government resolve.

The Democratic resolution before us now is precisely what our enemies want to hear and, sadly, are expecting to hear.

Here are some quotes from one of the people we ought to be reading more frequently, Osama bin Laden. Osama bin Laden said:

We found that out from our brothers who fought the Americans in Somalia. They did not see it as a power worthy of any mention. . . . God gave them and the mujahideen success in Somalia and the United States pulled out, trailing disappointment, defeat and failure behind it. It achieved nothing. It left quicker than people had imagined.

That is what Osama bin Laden said on October 21, 2001.

In addition to that statement, he said on February 14, 2003:

It has been made clear during our defending and fighting against the American enemy that this enemy's combat strategy is heavily dependent on the psychological aspect of war . . . which hides the cowardice and lack of fighting spirit of the American soldier. . . . Likewise, let me remind you of the defeat of the American forces in Beirut in 1982, soon after the Israeli invasion of Lebanon, when the Lebanese resistance was personified by a truck laden with explosives that struck the main military base of the U.S. Marines in Beirut, killing 242 soldiers—towards hell was their destination and what an evil destination that is.

This is what Osama bin Laden thinks of us. He stated many times that Americans don't have the stomach for conflict and this Democratic resolution embodies that very notion.

What Osama bin Laden and the enemies we are fighting against expect to see is Vietnam. Let's give General Petraeus more confidence. General Petraeus was confirmed unanimously. He stated that the effort in Iraq will have to be sustained to achieve its desired effect and that more troops are vital to advancing security. We confirmed him unanimously. Give him a chance.

He reported last week that nine Iraqi reinforcement battalions have entered Baghdad. He pointed to a decrease in sectarian killings, the discovery of numerous weapons caches, and the capture of al-Qaida members. Al-Sadr has fled Sadr City, and al-Baghdadi was recently reported caught.

Associated Press reporter Robert Reid recently reported General

Petraeus walking through the streets of Hit, a Sunni city with a bloody past. Last month in the article, he reported:

Iraqi police backed by U.S. troops swept through the city of about 120,000 people, arresting suspected insurgents and establishing three new police stations in the downtown area. Since then, the number of violent incidents has dropped from an average of 5 per day to 1.3 per day.

Now that a relative level of security has been established, the important political and economic development work must begin.

In the past, the United States had claimed similar victories in Hit, but those gains were lost because of lack of enough troops to sustain the province.

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

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

[From the Associated Press]

WALK DELIVERS A U.S. MESSAGE

(By Robert H. Reid)

HIT, IRAQ.—The top U.S. commander in Iraq strolled Saturday through the streets of a dusty Euphrates River city.

Gen. David Petraeus was snacking on ice cream and promoting cooperation between Americans and Iraqis in a Sunni Arab community where insurgents have been driven out before, only to return.

Petraeus visited Hit, scene of bloody fights with insurgents for the last three years, to affirm U.S. support for a nascent city administration and to deliver a message that U.S. troops will remain here until Iraqi forces are genuinely ready to provide their own security.

To demonstrate his confidence, Petraeus, accompanied by dozens of armed U.S. troops and Iraqi policemen, strolled down the main street, stopping to buy ice cream from a vendor and wandering through the city market, where snipers were taking potshots at U.S. patrols just months ago.

"Iraq presents its own complex set of challenges, and you have to do one city at a time," Petraeus said as he beamed at hesitant crowds and delivered Arabic greetings to small groups of young boys who stared at the entourage from the curb.

Few of the Iraqis returned the greeting and most kept back, perhaps intimidated by the stern-faced, gun-toting Iraqi policemen who appeared keen to make sure nothing went awry during the visit.

Nevertheless, the fact that a senior American general could walk through the public market in a Sunni city with such a bloody past indicated a degree of progress that U.S. commanders are eager to exploit. It is key to the new U.S. strategy of clearing areas of insurgents and then remaining to promote economic and quality-of-life projects. In the past, Iraqi forces have failed to maintain control once the Americans were gone.

Last month, Iraqi police backed by U.S. troops swept through the city of about 120,000 people about 100 miles northwest of Baghdad, arresting suspected insurgents and establishing three new police stations in the downtown area.

Since then, the number of violent incidents—mostly bombings and shootings—has dropped from an average of five per day to about 1.3 a day, the lowest level since March 2006, said Lt. Col. Douglas Crissman, commander of the battalion that took part in the sweep.

The plan is for U.S. and Iraqi checkpoints around the city to turn Hit into a "gated community" free of insurgents.

To convince the locals that better days are ahead, the U.S. plans to fly in \$15 million to float the local bank, which will enable retired government employees and soldiers to start receiving pensions and provide cash to bolster the economy.

The Americans are also encouraging the Shiite-run government in Baghdad to pay more attention to mostly Sunni Anbar province, including authorizing funds to pay for the extra police. But U.S. forces have claimed similar successes in the past in Hit, only to see gains lost because of a lack of enough troops in the province.

Mr. BOND. Mr. President, while it is far too premature to declare that the new strategy has succeeded, it does indicate there is a possibility. As General Abizaid once testified, despair is not a policy. It must be given a chance to succeed, and this resolution would do nothing to achieve victory. The alternative of retreat and defeat would be disastrous.

What are my colleagues who wish to see us leave Iraq thinking will happen once we do? The arguments for retreating before relative security is established because we grow tired of the war, because mistakes were made or because Americans allegedly want us to leave all ignore what the consequences will be if we do leave precipitously on a political withdrawal timetable.

Those who are advocating for retreat and departure from Iraq absolutely must address this very difficult question. In other words, what is "Plan Bravo," plan B, for those mandating retreat? Are we to redeploy forces back home only to have to redeploy them in much larger numbers 3, 4, 5 years from now, once Baghdad has turned into a base of operations and safe haven for al-Qaida? Will we endure the transfer of Islamofascist terrorism and violence occurring in the Middle East back to the homeland?

Mr. President, I ask for an additional 60 seconds.

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

Mr. BOND. Mr. President, are we going to bear witness to a conflict between Sunnis and Shiites that would spread into a regional war throughout the Middle East? Will we sit idly by while a regional conflict ensues that would result in the death of thousands of civilians? What will happen when the price of oil goes up? Will we see radical Islam taking over more parts of the world? Will we hand them Iraq on a silver platter? Will we have to again deploy troops to the Middle East?

To ignore these considerations and questions simply because they are not politically palatable is shortsighted at best and dangerous at the worst. Those who are attempting to end the war don't want to talk about the fact that the war in Iraq will do anything but end. In fact, it will only grow more dangerous.

Mr. President, I suggest that Mr. Kagan had it right. In his article, he also said there ought to be a plan B for the Washington Post and others who

have projected and counted on defeat. What is your plan B if General Petraeus's works and you predicted so successfully it won't work?

We need to put the money behind our troops, give General Petraeus the support for the new plan with money and support that effort underway. Our 130,000 to 150,000 American troops and their families at home are depending on us. They have a direct stake in this historic event, and I believe that fighting is necessary to prevail over evil.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Missouri. A lot of people don't know it, but his family has made a personal sacrifice in their efforts in this war. We appreciate that very much. The Senator from Missouri outlined the consequences of surrender in a very articulate way.

Mr. President, I ask unanimous consent that any quorum calls during the debate on the Iraq resolutions be equally divided.

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

Mr. INHOFE. Mr. President, I see no speakers on the other side, so I will elaborate on my remarks. I appreciate the fact that the Senator from Missouri talked about specifically what would be the consequences of timelines or withdrawal. I can speak from personal experience, having spent time in Iraq. As I mentioned before, I plan to take my 13th trip to AOR in a couple of weeks. I believe what is not understood by people who are debating these resolutions is some of the good things about the Iraqi security forces.

I had the honor of being in Iraq when some of the new leadership took office. I remember Dr. Rubaie, who is the National Security Adviser, and Dr. Jassim—I believe he was the Minister of Defense at that time—they articulated in a very effective way that most of the differences between the two major factors over there were Western concepts, were Western ideas. It appeared to me that was the case.

As we debate these resolutions, we need to remember how we got in there in the first place. Remember what happened prior to 1991, remember the monstrous commissions that were made by Saddam Hussein and the number of people, the volumes of people who died tragic, painful deaths.

As far as the Iraqi security forces are concerned, it is pretty obvious to me that these individuals want to be in charge. I get the idea, when I listen to some of the people on the other side, that the Iraqi security forces somehow are inferior, somehow they don't have the knowledge and the capability, the potential to become great fighters. Yet when I talk with them, they are the ones who are anxious to get themselves in a position where they are going to be carrying the load for us.

The whole idea of the embedded training is that we put our people in

the rear to advise the Iraqis on what to do and to train them while they are actually embedded and fighting with them. This has worked very effectively. It has been effective.

I happened to be there at a time when in one of the training areas for Iraqi security forces, there was an explosion. Some 40 were killed.

What the people over here don't understand is the commitment the Iraqis have to their own security. It happens that 40 families of those who were killed in this blast all supplied another member of their family to go in and carry the load for the deceased trainee.

These individuals are committed. They are as anxious as we are to get to the point where they have the capability of offering the security against the terrorists. From time to time, they have gotten that way. There was a time when the entire western one-third of Baghdad was under security control by the Iraqis themselves. They were just not in a position to sustain that control.

We saw the commitment the Iraqis had in Fallujah, when a general who had been the brigade commander for Saddam Hussein—this guy hated Americans; he was a brigade commander for Saddam Hussein, until we went into Fallujah with our Marines and they started the embedded training, the embedded training referred to by my friend from Missouri. It was so successful and they enjoyed each other so much that this man, this general, his name is Mahdi, he looked me in the eyes and said: I hated Americans before all this happened. I certainly hated the Marines. When they came in and started embedded training, I learned to love them so much that when they rotated out, we all got together and we cried.

This is the commitment the Iraqis have. When you get into one of the helicopters and go from place to place, maybe 50 feet off the ground, and you see the commitment of these individuals in the small towns and the kids who are down there—a lot of times the people who are supporting our troops send over candy, cookies, and this type of thing don't realize that when our troops get them, they normally repackage them, and then as they are in these helicopters going across the triangle and other places, you can see the little Iraqi kids out there waving American flags and our troops are throwing them candy and cookies. This is the type of relationship we don't see in this country.

Mr. President, while we are calling to make sure that some of them get down to the floor from both sides, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, the Senate is now engaged in a historic debate about what the United States of America should do with respect to the conflict in Iraq. We are scheduled to vote on three resolutions at 3:45 this afternoon. I was advised early this morning, about 8 a.m., that we would have four resolutions to vote on and that there would be a time agreement of some 6 hours, with votes to occur late this afternoon. Two of the resolutions among the four were not in existence, one of the resolutions has since been dropped, and the fourth resolution was made available less than an hour ago. This kind of a timetable, it seems to me, is not conducive to the kind of deliberation and thought necessary to make intelligent decisions on the momentous questions which we are facing.

We are asking the U.S. military to adopt a timetable to clear out of Iraq no later than a year from now, and we have a tough time establishing even a timetable as to what the Senate will do in the course of a single day.

As I review the proceedings, it seems to me that the Congress is not prepared to act on this subject on this state of the record. It may be that the Congress is not competent to act on this kind of an issue. There is a maxim that you can't manage effectively by committee, and what this concurrent resolution seeks to do is to have management by two committees—that is perhaps twice as bad as trying to manage by one committee—a committee of 435 in the House of Representatives and a committee of 100 here.

Yesterday, I spoke briefly about S. Res. 9, which has been cosponsored by 41 Democrats, no Republicans. I think it is regrettable that there appears to be a partisan divide on this subject. This matter is too important to be determined by party loyalty. Perhaps a more important aspect of noting that the resolution is supported by 41 Democrats is that it is not supported by 9 Democrats, with 50 Democrats in this body. So perhaps it is significant that it is not supported by 9 Democrats.

I would be prepared to cross party lines, as I have done in the past when I thought it warranted, if I agreed with the thrust of the resolution. Seven of us joined with the Democrats in voting for cloture several weeks ago to move ahead with the debate and try to come to a resolution on the Iraqi issue, and I was one of the seven. I would not hesitate to do so again if I agreed, but I cannot agree with the proposal which would require that not later than 120 days after enactment to have phased redeployment of U.S. forces, with the goal of redeploying by March 31, 2008, all U.S. combat forces in Iraq except for three conditions: to protect U.S. and coalition personnel, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The thrust, however, is to leave Iraq in about 1 year, and that is to ensure defeat. Setting a timetable simply enables our opponents to wait us out.

I think beyond that, the idea of having the Congress of the United States micromanage the war is simply not realistic, and perhaps it may even be unlawful. As I noted yesterday, in the case of *Fleming v. Page*, in 1850, the Supreme Court said:

As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

That is a fairly forceful statement that it is not up to the Congress to micromanage a war but that it is up to the Commander in Chief, the President of the United States.

That is not to say that the Congress does not have authority in the premises. Yesterday, I put into the RECORD a lengthy letter which I had written calling for additional hearings by the Judiciary Committee on the relative powers, authority of the Congress under the Constitution, with our power of the purse and our power to maintain and direct armies, contrasted with the President's power as Commander in Chief.

I believe, however, it is of questionable legal authority to micromanage, and it is definitely impractical for us to seek to micromanage if the consequences of giving an order to the President would just enable the enemy to wait us out. That is not to say that at some time in the future it may be necessary, and there may be a considered joint judgment by the Congress, to use the extraordinary power of the purse to implement our constitutional authority to maintain armies to effectuate a withdrawal.

Yesterday, I commented on the Senate floor that it would be most helpful to have an update from the Department of Defense and the Department of State as to whether, since General Petraeus went to Iraq, implementing a new strategy as he articulated it to many of us in the Congress in meeting with him, whether there have been improvements, so that there was some realistic prospect of victory, which is what we want. The consequences of defeat are disastrous, but that does not mean that we can be in Iraq forever.

The President, in his State of the Union speech, set two objectives for the Iraqis. One was to end the sectarian violence and, secondly, to secure Baghdad as indispensable prerequisites for maintaining U.S. forces in Iraq. The Iraqis have shown neither the capacity nor the will to carry out those objectives. In evaluating the strategy of General Petraeus, it would be helpful to know if there have been any positive signs or negative signs, giving us some clue as to the prospects of victory.

Through staff, I made an inquiry of the Department of Defense for some updated material, and none was available. Similarly, through staff, I made an inquiry of the Department of State, asking if there had been any results from the change in policy to negotiate

with Iran and Syria, at least on a multilateral basis. One part of the resolution that is supported by 41 Democrats, calling for a comprehensive diplomatic, political, and economic strategy, has been implemented by the Department of State, at least in the incipient stages. Even in the absence of any indication of any progress, it seems to me unwise, on this state of the record, to set a timetable which would just embolden and empower the enemy to win by waiting us out.

The power of the purse is the ultimate constitutional authority of the Congress. Even there, as I noted yesterday in the case of *United States v. Lovett*, in 1946, the Supreme Court held that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective. That still leaves substantial parameters to decide what to do.

The second resolution is the one submitted by Senator GREGG, and Senator GREGG articulates a resolution that all of us agree with:

That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field. . . .

That would be unthinkable. No one disagrees with that. Then the Gregg resolution goes on to say:

. . . including the elimination or reduction of funds for troops in the field.

That phrase could be interpreted to mean that Congress does not have the authority to stipulate an elimination or reduction of funds for troops in the field so that we couldn't say to the President to reduce the troops by a certain date. Or perhaps it should be read in conjunction with taking no action to endanger to say you have to be down to a certain number by a certain date, as Congress did in legislation in 1974, saying that when the war in Vietnam was winding down, there could be no more than 4,000 troops in the field in 6 months and no more than 3,000 troops in the field in a year. That congressional legislation was signed by President Ford, although he expressed some reservations. So perhaps the Gregg resolution does not purport to totally eliminate the authority of Congress to act by cutting off funding if it can be done in a way which does not endanger the troops in the field. Certainly the thrust, the gravamen of the Gregg resolution is one where there would be no disagreement, we simply could not endanger the troops in the field or take any action which would endanger them.

Then the third resolution—which was filed less than an hour ago by Senator MURRAY—sounds very much like the Gregg resolution. It is intended, I think, to provide an alternative to the Gregg resolution, but it is very close. The Murray resolution provides:

The President and Congress should not take any action that will endanger the Armed Forces of the United States and will provide necessary funds for training, equipment and other support for troops in the

field as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

We all agree with that. Then it goes on to say:

The President, Congress and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve.

No one could disagree with that. It is a reference to what has happened at Walter Reed. Then the third clause in the resolution.

Resolved: The President and Congress should continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions.

We can't disagree with that. And then:

. . . review, assess and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

That also is apple pie, motherhood, and milk. There is a little implication, on "review, assess and adjust," perhaps a change in policy, but it does not say anything definitive.

There was supposed to have been a fourth resolution offered by Senator WARNER, who had an earlier resolution which was not taken up by the Senate. Senator WARNER is to be commended for his service to the country, heading the Armed Services Committee, 28 years in this body, Secretary of the Navy, served in World War II. He was searching for some alternative. But in the absence of any resolution having been filed, the inference arises that the search continues. That is where I think we are on this issue.

The electorate spoke last November in disagreeing with United States policy in Iraq. The House of Representatives has spoken, disagreeing with United States policy in Iraq. The Senate is about to speak, but it is highly doubtful—virtually impossible that a forced withdrawal within a year will be approved by 60 Members of this body. The resolutions by Senator GREGG and Senator MURRAY are not twins, but they are first cousins. But we are still groping for what to do.

My own sense of the situation is we need to pursue some preliminary reports that things are improving and find out if in fact that is true. As I look at Iraq—and I used the metaphor yesterday—it is a tunnel and we can't see the end of the tunnel. Certainly there is no indication that there is a light in the end of the tunnel. I don't like being in the tunnel, but I don't know where else to go at the moment.

I am not going to go with a resolution to leave Iraq, micromanage the war, tell the President what to do when we frankly don't know what to do. But we are groping. Just as we are unprepared to deal with these resolutions in a limited time, by 3:45, we are unprepared to tell the military what to do in a year. So I think we need to go back to the drawing boards and I think we

need to find out more facts. It may be General Shinseki was right in 2003, that job required a lot more personnel, into the hundreds of thousands, under the Colin Powell doctrine of overwhelming force. Maybe that was the course which should have been followed. Certainly we don't want to deploy more troops now, in those quantities. For General Shinseki's brilliance, he got himself fired, ridiculed and fired. We are trying to find out what to do.

I had an opportunity to visit the Middle East and talk to President Assad of Syria last December. President Assad advanced the idea of having an international conference before the idea was advanced by Secretary of State Condoleezza Rice. I carried that message back and conveyed Assad's suggestion to Condoleezza Rice. Whether that had any impact on her idea, I don't know. But I do believe—and I said this in a lengthy speech on the Senate floor last June, and in an article which appears in the current issue of the *Washington Quarterly*—that dialog should be undertaken with Iran and Syria. We have seen the multilateral dialog with North Korea, supplemented by direct contracts, bilateral negotiations, produce what appears to be an answer to diffusing North Korea's possession of nuclear weapons. We don't know for sure because that is a very tentative basis, but we made a lot of progress and we appear to have an answer.

I think there is cause for hope that the multilateral talks with Iran and Syria, and perhaps bilateral talks, will produce something there. So I am going to oppose S. Res. 9 and I am going to support the first cousins, the Gregg resolution and the Murray resolution. They say something which is obvious. We are not going to take any action to endanger the American troops. But that does not mean we are without power in the future to use the appropriations power, the power of the purse, to put Congress's imprimatur and decision on what is going on.

The President said for a long time he was the decider. I think he has wisely receded a little from that assertion. It is a joint, shared responsibility between Congress and the President. There has been a lot of talk. I think the American people ought to know there has been a lot of—it is more than talk; there has been a lot of very serious thought which has been undertaken by the Members of the Congress, both the Senate and the House, trying to find a way to have a victory in Iraq. Our statements of disagreement with the President do not mean we ought to tell him what to do when in fact we do not know what to do.

For myself, I think we need to find out more about what is happening now, both militarily and diplomatically; going back to the drawing board and seeing if we can come up with a better answer than the one we are facing at the present time.

I thank the distinguished Senator from Oklahoma, who is managing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I wish to inquire how much time we have remaining on our side.

The PRESIDING OFFICER. There is 64 minutes 30 seconds.

Mr. INHOFE. Fine. We are next going to hear from the Senator from South Carolina. I wish to say, after the conclusion of the remarks, I am going to be trying to line up, by unanimous consent, several speakers. It is my understanding Senator BYRD wants to come down and speak. But between the next speaker and Senator BYRD, we are going to try to get some lined up for a period of time. That will be our intention.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I think Senator SPECTER, has given a good overview of where the Congress finds itself, where it wants to go, and how to get there. What I wish to do is give my view for people back home and my colleagues about how what we do now, for the moment, could affect the overall war on terror, and throw out this proposition: Do we believe the outcome in Iraq affects the overall war on terror? Is Iraq a central battlefield in the global struggle? I believe the answer is clearly yes. You could debate whether going into Iraq was the right thing. Clearly that is a debate that will be resolved by historians. We are there now. What are the consequences of a failed state in Iraq and how likely is that to occur, based on what we do for the moment?

I would argue very strongly a failed state in Iraq is a tremendous defeat in the overall war on terror on several fronts. No. 1, it means moderate forces in Iraq were overwhelmed by the extremists. There are basically three groups in Iraq trying to kill this infant democracy. There is a Shia extremist group that has as its goal a theocracy for Iraq where the Shias will dominate the Iraqi landscape and they will have an Iranian style theocracy. It may be different in many ways, but it will be a religious state.

The Sunni extremists are trying to seize power and kill this infant democracy and rule by the gun, not by the rule of law. They were in power during the Saddam era and they want to get back in power. These two groups have different views of what to do with a future Iraq, but they both come together believing a democracy hurts their agenda.

Then there is the rest of Iraq, the Sunnis, the Shia, and the Kurds, which I think are the overwhelming majority—and they are struggling to create a new democracy out of the ashes of a dictatorship. I want to associate myself with some understanding of the struggle they are going through be-

cause our country went through this very same struggle. It is hard to create a democracy, but the benefits are enormous if we can pull this off.

The third group is the most dangerous of all. They are in Iraq to kill this infant democracy, not for political power within the border of Iraq as their goal but to create a movement that will sweep the Mideast. This is the al-Qaida organization within Iraq and associated Islamic extremist organizations that have a more regional view of what to do. All three groups, the Shia extremists, the Sunni extremists, and the foreign fighters, namely al-Qaida, are threatened by democracy in different ways.

Shaikh Mohammed has just admitted in open session in a military tribunal that he was in fact the mastermind of 9/11. He went on ad nauseam about all the activity he had been involved in for over a decade. The point of his testimony was he believes he is at war with us. We need to understand we are at war with him. I think for years they were fighting us and we did not quite understand they had declared war upon us. But we all agree now that al-Qaida is a force that needs to be dealt with militarily and that there is a global struggle in which they are involved, and that Shaikh Mohammed is a warrior, an illegal warrior but nonetheless a warrior. He doesn't have a criminal agenda, he has a political agenda and religious agenda, and he considers himself a warrior.

What I hope we can do in Iraq is defeat extremism on all fronts; that we could, in fact, defeat al-Qaida in Iraq, which would be a blow to their overall regional world agenda.

What to do? Senator SPECTER made a good point. Where do we go? Congress is trying to find its footing. Congress doesn't want to cut off funding. There are different reasons people don't want to cut off funding. The polls clearly show that cutting off funding is not popular, by the American people. There are Members in the body who do want to cut off funding. I respect their point of view because they have concluded Iraq is not part of the war on terror in a traditional sense; that our involvement in Iraq is doing more damage in the war than it is helping.

I just disagree. I think a loss in Iraq is a huge event in the war on terror. And they will come and cast a vote. They will vote against Senator GREGG's resolution saying the Congress should cut off funding. I respect them, but I think they are wrong.

Now as to Senator REID. His motion is that we are going to try to send a message to the Maliki Government and other political leaders in Iraq by telling them: At a date certain, we are going to start leaving if certain things are not done. I understand the point, that they are trying to get the moderate forces, the Democratic forces in Iraq, to do better and come together quicker.

My concern is pretty simple. I think Senator SPECTER expressed it very

well: The audience of this resolution is not a single audience, that the world will be listening and watching what the Senate does.

If the Senate did pass a resolution setting a specific date—March of next year—where we will begin to redeploy if certain things are not done in Iraq, then I am convinced that in the Mideast it will be taken as a sign of weakness, not strength.

It will be not a message sent to the moderates alone, it will be a message sent to the enemies of democracy. We would be, no matter how well intentioned, laying out a roadmap as to how to drive the United States out of Iraq. The resolution would have two purposes, one well intended: to get the Iraqi Government to do more to expedite the political decisionmaking that is required to lead to a successful outcome.

The other consequence would be, we would be telling our enemies in great detail: Here is what you have to do to make sure we leave at a date certain and that every benchmark we set as to a date becomes a benchmark for the enemy. If you can achieve this benchmark, the United States will leave. To me, if we ever do that, then we have made a huge mistake.

Senator SPECTER mentioned some of the mistakes. I think General Shinseki was right, we never had enough troops to provide security. We planned for the best, never assumed for the worst. On the economic projections, in terms of the cost of the war, the military understanding of what would happen after the fall of Baghdad, we missed it by a mile. We are paying a heavy price for making those mistakes.

But the biggest mistake is yet to come. If we pass the Reid resolution, it would trump every mistake President Bush's team has made by a factor of many because it would be, in fact, destroying the last best chance we have to salvage democracy in Iraq.

General Petraeus is our best hope. Reinforcements are needed in Iraq: politically, economically, and militarily. Any resolution passed by the Senate declaring this operation lost before it is implemented cuts General Petraeus's legs out from under him. It would be the biggest mistake Congress could make—I would say maybe in American history—to a commander in the field. Eighty-one to zero, we sent the general off to fight in a war anew, and now we are about to send a message to the people he is fighting that on a date certain you win if you do the following things.

This resolution empowers our enemies. It gives them a roadmap of how to drive us out of the Mideast. It weakens the ability of General Petraeus to form coalitions to give the Iraqi politicians what they need to do the things they need to do.

If you want to empower a moderate, which is key to victory in the Mideast in the war on terrorism, the last thing you need to do, in my opinion, is make a public statement that our commitment ends at a certain date if you do

not do certain things, because you are telling the enemy exactly what they have to do to win out over the moderates and the United States. It would be a huge mistake of monumental proportions. I hope this body will not allow that to happen.

What happens if we have a failed state in Iraq? Who is the biggest winner if Iraq breaks apart and democracy fails? Iran wins. In the south, the Shia south, a very oil-rich area, that most likely will become a puppet state of Iran. I cannot say for sure it will, but it is the most likely outcome. Let's start, for a change, planning for the worst.

I wish people who were introducing these resolutions would understand the consequences of a failed state and ask themselves: Does this resolution help create a democracy? Does it empower the enemy? Does it help create a failed State? What are the consequences?

Former Senator Edwards is saying we should draw 50,000 troops down today. They asked him the question: What would that mean for regional stability? I don't know. I am not sure.

Well, I can tell you what it means. It would tell the extremists we are leaving, you are winning. Every moderate in the Mideast would start hedging their bets because what kind of political solution are you going to come up with if you believe the American political and economic aid to your young democracy will vanish? You start hedging your bets.

The stronger we are, the bolder they become. The weaker we are, the bolder the enemy becomes. The stronger America, in a rational way, stands by moderate forces, the more likely they are to make the hard decisions to bring the country together. The weaker we seem, the weaker we portray ourselves, the stronger the enemy of democracy.

That is what I believe this is all about. You cannot kill the terrorists in numbers enough to win the war from an American perspective. This war will never be won by the American military killing terrorists. They are doing a wonderful job, our military. This war will be won when extremism is suppressed within the Mideast by the people who live in the Mideast.

So we have to take sides. This war is a war of religion and origin. The origin of this war is not Palestine-Israel, it is bin Laden, Shaikh Mohammed, and others who have a view of religion that has no place on the planet for the State of Israel or moderate Muslims, Christians, Jews. They have said publicly their goal is to drive us out of the Mideast, topple all moderate governments that do business with the West and essentially destroy Israel. I believe them.

Iraq is a test of us and our will versus their will. I do hope we understand the vote we are about to take will shape the fortunes in Iraq in the coming months one way or the other. The decision we take in Iraq will shape our national security interests for decades, will change the Mideast for the better

or for the worse, and will have monumental consequences on the war on terrorism.

This is not about the political moment. This is about the decades to follow. Leaving Iraq, from a national security perspective, is not the question for the country. We all want to leave sooner rather than later for the good of our own troops, and eventually the stability of the world, to allow the Iraqis to take over their own destiny.

The question for this country is what do we leave behind? I am convinced if we leave behind a failed State, where moderates are overwhelmed by extremists, the problems in Iraq spill out to the Mideast, and the war does not end when you leave Iraq, it just begins.

You need to look at Shaikh Mohammed and what he said a few days ago, and what they are saying now, al-Qaida. Understand that they believe the outcome in Iraq is part of the war on terror. I believe it. These resolutions, in my opinion, do not understand that.

As to General Petraeus, I have a lot of confidence in this new plan. It is not more of the same. It is trying to go at the problems in Iraq new and differently. There are early signs of success. There is a long way to go, but please understand the General and those who are under his command are affected by our actions in Washington. The world is watching. Please do not send a message to the wrong people, no matter how well intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, let me thank the Senator from South Carolina, who has been steadfast all the way through this, and who has made such great contributions. In addition to what he said, I think it is worth observing that this is working.

In this morning's Washington Post, there is an article about the successes that are taking place. The top U.S. military spokesman in Baghdad said the number of sectarian killings has dropped since the operation began in mid-February.

Then on the other side, GEN Qassim al-Mousawi, who is the Iraqi military spokesman, also offered an upbeat assessment of the Baghdad security plan and how well it is working now. So I think, frankly, this is sooner than I thought we would be getting some positive results.

Let me also make one observation before going on to the next speakers. That is, after receiving rather late the resolution by Senator MURRAY, 107, in reading it, unless I misread it, it appears to me she is outlining some things that are pretty consistent with what is in the Gregg resolution. So I do not know—with the three resolutions we have—the order. That is going to be determined, but right now we are not sure of it.

Mr. President, I ask unanimous consent that the Senator from West Vir-

ginia, Mr. BYRD, be recognized for 20 minutes, followed by Senator ENSIGN for 7 minutes, followed by Senator TESTER for 10 minutes, followed by Senator KYL for 7 minutes, then any intervening Democrat, to be followed by Republican Senators BROWNBACK, WARNER, and VITTER for 7 minutes each.

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

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, along with my Democratic colleagues, I intend to vote for the Reid resolution, S.J. Res. 9. I have some concerns with the approach in this resolution—I firmly believe that the Congress must address the open-ended 2002 authorization to use force in Iraq, which is not dealt with in this resolution—but I certainly agree with the Reid resolution's intent. There is a diversity of views in both parties about our policy in Iraq, but a majority of the American people are united in the firm belief that a change of course is long overdue. Fifty-nine percent of Americans believe that the United States made a mistake in sending troops to Iraq. Sixty percent favor withdrawing all U.S. troops by the end of next year. The American people are speaking, and finally their Representatives in the Congress are listening.

Some of us may disagree about the best way to effect a change of course in Iraq, but this debate shows one thing—it is time for a new plan, time for a real discussion, not more empty rhetoric about “stay the course” versus “cut and run.” This administration is fond of referring to the powers of the Commander in Chief, but surely the most important responsibility of any Commander in Chief is to provide solid leadership. As President Harry Truman said: “The buck stops here.” But we are entering the fifth year of this misbegotten war, and this President has failed time and time again to articulate a plan, a plan to give a clear reason for why we are in Iraq or to outline a strategy for bringing our troops home. Stubbornly denying that Iraq is engaged in a civil war is not leadership. The White House has abdicated its leadership on this issue, so it is left to the Congress—that is us—to speak for the American people.

The hue and cry raised from my colleagues across the aisle and from the White House is that those who do not support this disastrous war do not support the troops. Three thousand one hundred and eighty-nine soldiers have now died in Iraq. Thousands more have been wounded and maimed and have come home to find outrageous and dehumanizing treatment. Truly supporting our troops means not putting them into harm's way without a clear plan for success and unless it is absolutely necessary. It means not asking our sons and daughters, our best and our brightest, to make the ultimate sacrifice without being able to articulate exactly why they are being asked

to do so and exactly what we will accomplish as a result. Supporting our troops means treating our wounded men and women with dignity. It means not sending them to recuperate in mold-filled rooms without supervision and without assistance in a morass of paperwork. It means not sending back to the front lines those too wounded to fight, as this administration is doing.

I continue to receive letters and phone calls from service men and women, troops currently serving in Iraq, thanking me for my stand—yes, my stand—against this war. The troops are not the ones criticizing our attempts to bring them home. The troops are the first to say there is no military solution to the situation in Iraq, only a political solution. The Iraqis will have to assume leadership of their own country and start making political compromises to overcome the ethnic and sectarian divisions that are splitting the country apart. There is no military solution, none, no military solution for Iraq. A national reconciliation is the only solution for that war-torn country, and we do not need another 3,000 young lives lost to learn that.

We were wrong—and I said so at the time—to invade. We were wrong to think that victory would be quick and easy. We are wrong to stay on in an occupation which earns us only hatred with no end, no end, no end in sight. Our young men and our young women now find themselves in the crossfire of a civil war. Nearly every one—nearly every one—except our Commander in Chief realizes that there is no military solution. To continue this ill-advised and demoralizing war only damages our wonderful country in the eyes of the world and chews up lives, both American and Iraqi. I have said it before—yes, I will say it again, yes—democracy cannot be force-fed from the point of a gun.

Let this debate mark the beginning of a way out, out, out of Iraq. Let this Congress begin to understand why the Framers of this Constitution gave the power to declare war to the Congress, the representatives of the people we send to fight and to die for our country. Let us begin to put some sanity—sanity—in our foreign policy again.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Under the previous order, the Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise this morning to speak about S.J. Res. 9 and the consequences of failure in Iraq.

I want to begin by reviewing just how Osama bin Laden and al-Qaida see themselves achieving ultimate victory in Iraq.

You don't have to be a serious student of history to realize that as of late, America has not exactly demonstrated the kind of collective will necessary to successfully complete military missions abroad.

As a nation, it seems easy, maybe too easy, to commit ourselves, through our

military, into foreign lands in an attempt to accomplish what we believe is right, either to protect our vital national interests or to free a people from bondage, or in the case of Iraq to try to accomplish both.

Whatever the reason for committing ourselves to a noble cause overseas, America ventures into another country with only the best of intentions, and for a while the American people and her politicians overwhelmingly support our military and its mission.

Then, when we see that victory is not as easy or as immediate as we had initially hoped, we start down a road of self doubt. We convince ourselves that our military mission was probably not all that important in the first place. We somehow twist our values to accommodate an opinion that our military expedition is not worth the effort we need to expend in order to be successful. We recoil once the realization hits us that lives and treasure are the "coin of the realm" when it comes to using our military to ensure our continued national security. And for too long our adversaries have witnessed this reluctance, this lack of will, to finish the task at hand. In 1982, America deployed her military to separate warring factions in Lebanon. We went in with only the best of intentions. People were being killed and it was up to us to "do something" about it.

Then, on October 23, 1983, two truckbombs detonated in buildings housing American forces in downtown Beirut. Two hundred forty-one U.S. marines, sailors, and soldiers lost their lives that day. Six months later, America had had enough and we were out of Beirut.

The Lebanese civil war would rage on for another decade, and during that time countless Lebanese, Palestinians, and Israelis would suffer as a result of our abdication of responsibility.

As had always been the case before, our adversaries did not pursue us back to our shores to do us harm. But they did observe and they did note that the American public, led by her elected officials took the easy way out and departed before completing our intended mission.

In 1993, the United States once again sought to "do something" to end a humanitarian crisis that was taking place on the African continent. In a country with no functioning central government, warlords ruled their individual pieces of territory within Somalia as personal fiefdoms.

The Somali people were fodder as the warlords battled each other for control of land and resources. People were being killed. If they were not being killed by bullets, they were being starved to death.

Although the situation in Somalia did not directly affect our national security, American leaders at that time answered the call to "do something" to alleviate the human suffering Americans were witnessing nightly as part of their television news shows and read-

ing in the daily editorial columns of most big city newspapers.

Our leaders once again answered the call by sending our young men and women in uniform to a foreign land to "fix things." Soon, our military had its mission expanded beyond providing humanitarian assistance.

Part of this new mission involved capturing and/or killing the Somali warlords responsible for the pain inflicted on their fellow citizens. As part of this new mission, Army Rangers conducted an assault on Somali forces in what has come to be known as the "Black Hawk Down" incident.

Here, two Black Hawk helicopters were shot down and 19 of our Rangers killed. In the days following, film footage was broadcast over and over again on television that showed the lifeless bodies of our soldiers being desecrated as they were dragged through the streets.

This footage both shocked and humbled us. The support for our mission to do good things in Somalia quickly evaporated. The costs had become too great to bear. It was no longer that important to do the right thing and we subsequently withdrew our forces from the region.

Once again, our adversaries watched as the world's superpower retreated from the fight. Today, Somalia continues to flounder as a failed state and a haven for Islamic radicalism on the eastern coast of Africa.

In a 1998 interview with ABC's John Miller, Osama bin Laden said that the Clinton administration's decision to withdraw from Somalia had emboldened his burgeoning al-Qaida force and encouraged him to plan new attacks.

"Our people realize[d] more than before that the American soldier is a paper tiger that run[s] in defeat after a few blows," the terror chief recalled. "America forgot all about the hoopla and media propaganda and left dragging their corpses and their shameful defeat."

And those attacks promised by bin Laden did come.

On August 7, 1998, al-Qaida decided to test our mettle by simultaneously bombing our Embassies in Tanzania and Kenya, and in the process killed 257 people and wounded over 4,000.

Our tepid response once again gave Osama bin Laden comfort.

Since the Clinton administration had chosen to treat terrorist attacks as law enforcement matters, America sought to prosecute in our courts those responsible. Osama bin Laden was soon placed atop the FBI's Ten Most Wanted List.

Along with the 1993 World Trade Center bombing, the 1996 Khobar Towers bombing in Saudi Arabia, and the 2000 attack on the USS *Cole* in Yemen, the Embassy bombing were two of the major anti-American terrorist attacks that preceded 9/11.

The United States responded to the Embassy attacks by freezing financial

assets of related parties and by firing some missiles into al-Qaida training camps in Afghanistan.

The attack in Afghanistan destroyed some physical targets. However, the operation did not accomplish the destruction of bin Laden and his operatives and did not lead to any significant changes in the al-Qaida network and leadership.

Al-Qaida grew bolder, stronger, and more capable as we sat on our hands.

And so, here we are today, facing an emboldened enemy bent on our destruction who has convinced himself that he possesses the will to break our spirit. He has done it before and he is convinced he can do it again this time.

The sad part about all this is that Osama bin Laden may very well be right this time.

Today we stand here debating a resolution of appeasement that directly affects our military strategy in Iraq and, by default, our overall national security for years to come.

This resolution calls for imposing an artificial timeline to withdraw our troops from Iraq, regardless of the conditions on the ground or the consequences of defeat; a defeat that will surely be added to what is unfortunately a growing list of American humiliations.

I agree with the President's assessment that this legislation before us would hobble American commanders in the field and substantially endanger America's strategic objective of a unified federal democratic Iraq that can govern, defend, and sustain itself and be an ally in the war against Islamic fascism.

The unintended consequence of this resolution is to bring to reality Osama bin Laden's vision for Iraq; that after 4 years of fighting in Iraq the U.S. Congress loses its will to fight. We precipitously withdraw our forces and leave the fledgling Iraqi government to fend for itself; Sunni and Shia factions rip the nation apart at a scale previously unimaginable. There is a mass exodus of refugees out of Iraq, and no mechanism in place to deal with them. Iran, Syria, Saudi Arabia and other states in the region feel the need to get involved.

This is a terrible scenario, but it is not the worst of scenarios. Bin Laden's nightmare vision also involves a chaotic Iraq with Sunni dominated areas like al-Anbar Province becoming a safe haven from which al-Qaida can launch attacks against the United States.

And we could see the Shiite dominated areas, with the help of Iran, and its own oil wealth, be used as a terrorist breeding ground, as well.

Make no mistake. The Iraqi situation is vastly different from Beirut, different from Somalia, and, different from the bombing of our African Embassies.

Iraq has consequences that will surely be felt here at home and around the world. If we leave Iraq before the job is done, as surely as night follows day, the terrorists will follow us home.

I believe this.

We will be sorry and we will regret having once again left unfinished our national security obligations. But by then it will be too late for regrets.

We will find that as strong and powerful and compassionate as we think we are, we cannot "unring" the bell. The damage will have been done.

Osama bin Laden and his al-Qaida followers are convinced that America is weak and decadent and they can succeed in grinding down our resolve and forcing us to retreat.

Osama bin Laden has openly said: America does not have the stomach to stay in the fight.

He is a murderer. He is a fanatic. He is an Islamic fascist. He is determined to destroy us and our way of life.

Let us resolve today not to also make him a prognosticator of things to come.

I urge my colleagues to reject this misguided legislation. We cannot afford to leave this fight at this time. For the sake of America's future, we cannot afford to fail.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Mr. President, I doubt I will use it all, but I thank the Presiding Officer very much.

Mr. President, I am here to address S.J. Res. 9. I am glad we have gotten to a point where we can debate this war in Iraq and vote. That is what we are all sent here to do. This war did not start yesterday. We are 4 years into this bloody war, at a cost of \$2 billion a week, monetarily, and nearly \$500 billion since we started 4 years ago. More importantly, we have lost nearly 3,200 of our Nation's best people. Soldiers, sailors, and marines have made the ultimate sacrifice; 17 from my home State of Montana. Twenty-four thousand more have been seriously wounded. An entire generation in this country has been marked by the injuries in this battlefield.

Yesterday, the Pentagon admitted something we have known for a long time: that our troops are caught in the midst of a civil war. The administration has begun to escalate this war with 21,000 more troops. This idea is not a new one. During this war, four previous surges have all failed. It is time for a different direction. It is time for a drawdown of our troops.

As unclear as the President's plan for Iraq has been, our mission for our troops is more blurred. The original mission was to find weapons of mass destruction, to topple Saddam Hussein, to train the Iraqi troops, and to turn Iraq into a model to transform the Middle East.

Our troops have done an incredible job. They and their families have given far more than most of us can imagine. It truly is time now to take a different direction. Our troops need a plan for success and a clear mission. The current plan of "stay the course" has

failed. We now have an open commitment with no end in sight. We need a new direction, and we owe it not only to our troops but we owe it to the people of this country.

I strongly support the legislation put forth by Majority Leader REID. I am proud to be a cosponsor of this measure. It is a good first step—finally—to put an end to this war. Also, it is a good first step to the political and diplomatic solution this war needs to have happen to end this war.

This measure directly addresses my biggest concerns in Iraq. I support the legislation because it is a first step. We can begin redeployment of troops with the goal of removing most of those U.S. troops by March 31, 2008. It requires Iraqis to take an active role in their future, which is critically important. Also, as was pointed out last week, we cannot win every conflict with bullets. This forces Iraq to move forward toward a political and diplomatic solution.

This legislation focuses our mission and responsibly ends the war within 1 year, and after March 31, 2008, remaining American troops will still be there to protect American and coalition interests, to still continue to train these Iraqi forces, and, most importantly, to seek out and bring the terrorists to justice.

The fact is, this war has taken our eye off the war on terror. Osama bin Laden still runs free. We do not know where he is. I wholeheartedly support this legislation and will vote for it. The combined effort of this legislation will allow Iraq to stand on its own two feet. I urge my colleagues to look beyond partisan politics and vote for a long overdue change of course for this 4-year-old war. We cannot afford this war monetarily or from a people standpoint. It is time to pass S.J. Res. 9.

Thank you, Mr. President.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Madam President, I, too, rise to talk about this very important matter we are debating and voting on today, the situation in Iraq.

First, I want to say hallelujah, we are finally having a full, open debate and a range of votes. That is exactly what I have been pushing for, pleading for, asking for, along with so many of my colleagues on the Republican side. I am very glad finally we do have a full and fair and open debate, with the ability to cast votes on measures we deem very important, and specifically the Gregg resolution about supporting our troops in the field.

Secondly, I want to express real reservations about the Reid resolution, which we will also be voting on today.

The situation in Iraq is very tough. We need to make a final push, and certainly the biggest part of that push does need to be strong action by the Iraqi Government. We need benchmarks and pressure on the Iraqis to do the right thing. I specifically talked

about that. But the Reid resolution does some things I believe we absolutely must not do. Specifically, it sets very precise and complicated and cumbersome dates certain. I believe that is much more useful as a message to the enemy and a help to the enemy than a roadmap for us.

In addition, I think the Reid resolution clearly micromanages the war. It clearly oversteps our bounds as a legislative body by taking on the responsibilities and the management and the function of the Commander-in-Chief. Therefore, for that reason, I think that aspect of the Reid resolution is, No. 1, a bad idea, but, No. 2, very possibly unconstitutional.

I will be voting against that Reid resolution. But again, I thank everyone who finally, after weeks and weeks of talk—finally—gave us the opportunity for these votes and for a vote on the Gregg resolution and other important matters.

The third and final point I want to make goes to the path, unfortunately, I think we are headed down with some of this language. I think this is very unfortunate, and I think this path and where it is headed, in my opinion, is something we must all work to avoid. Let me explain what I mean.

Senator REID has made it perfectly clear he will put forward his resolution today with all of those complicated dates and timetables and what-ifs and benchmarks. Again, I have problems with that; I will vote no. But Senator REID has also made clear he will also put forward the exact same substance in the context of the emergency supplemental appropriations bill to fund our men and women in uniform in the field in Iraq.

Now, why is that a problem? Well, it is a problem for the following reasons: that emergency supplemental bill is needed, as I just said, to fund the men and women in uniform in the field right now, under fire, risking their lives in Iraq.

We have all said over and over and over that no matter how we feel about the war, no matter what we put forward as the proper policy on the war effort, we would give our men and women in uniform in the field what they need to do their job and defend themselves. The problem is this Reid language, particularly the threat to put it on the emergency supplemental appropriations bill, threatens to cut that funding off because that language, if it gets on the bill, will, first of all, delay debate and implementation of the bill, and secondly, if it is in the final version of that spending bill, it will absolutely—absolutely—produce a veto by the President of the United States. He cannot agree to that language because of his position on the proper path forward, and no President can agree to that language because of the constitutional power of the President as the Commander in Chief. That will further delay this emergency spending bill and further delay getting

necessary funds and equipment to troops in the field.

The military has said very clearly we need to act by April 15 so those funds and that equipment can get to the field starting in early May. Our troops are counting on it. They are waiting for it. These are men and women in uniform, in the field, under fire right now. But, again, this strategy and this language of Senator REID will make it very likely that won't happen and will make it very likely this whole matter and this whole spending to get to our troops in the field will be significantly delayed. That is not funding men and women in uniform. That is not supporting our troops in the field. What that is doing is refraining from supporting them, slowly bleeding away the resources, the equipment, and the money they need to do their job.

It is one thing to say: New troops, you are not going anywhere. You stay right here. We are having this debate. But it is quite another to slowly bleed and endanger troops in the field. Yet this is the path that I am very afraid we are embarking on with the Reid language, particularly if it is put on the emergency supplemental appropriations bill.

In closing, let me say, we have all said on this floor, virtually to a person in the U.S. Senate, that no matter what we think about the war, no matter what we think about the right path forward in the war, we will not endanger our troops in the field. We better think long and hard about the path some would adopt because they are beginning to do just that. We can't have that. We need to give our brave, smart, courageous men and women in the field already the money, the equipment, the resources they need to do their job. They are literally under fire there. We cannot bleed away what they need in the field, quickly, slowly, or anything inbetween.

Again, I am very concerned that is the path Senator REID and some others would put us on.

So, thankfully, we are having this full and open debate today. We will be having votes today. I believe the most important vote is on the Gregg resolution. I will proudly vote for that in support of our men and women in uniform in the field, and I will do everything I can to avoid slowly, quickly, or anything inbetween bleeding resources, money, and equipment away from what those brave men and women whom we have already put in the field need to defend themselves and to conduct their mission.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I spoke yesterday in favor of the resolution introduced by Senator REID, S.J. Res. 9. By bringing the current open-ended military mission to a close and requiring the funding of U.S. troops, the Reid resolution takes a significant,

binding step toward ending our involvement in the war in Iraq. I am pleased that the Senate will have the opportunity to vote on that resolution shortly.

The Senate will also be voting, as the Senator from Louisiana just pointed out, on another resolution regarding Iraq sponsored by the senior Senator from New Hampshire. Unfortunately, this resolution is badly flawed, and I strongly oppose it. My chief objection is simple. The resolution rejects the idea of Congress using its power of the purse to safely redeploy our troops from Iraq. Moreover, it does so in a manner that can only be described as inaccurate and almost intellectually dishonest. By warning against "the elimination or reduction of funds for troops in the field," the resolution fully embraces the misleading rhetoric the White House has used to try to prevent serious discussion of Congress ending the war. Those who engage in such rhetoric pretend that cutting off funds for the war is the same as cutting off funds for the troops. They raise the specter of troops somehow being left on the battlefield without the training, equipment, and resources they need.

Obviously, nothing could be further from the truth. Every Member of Congress agrees we must continue to support our troops and give them the resources and support they need. Not a single Member would ever vote for any proposal that would jeopardize the safety of our troops. Using our power of the purse to end our involvement in the war can and would be done without in any way impairing the safety of our brave servicemembers. By setting a date after which funding for the war will be terminated, as I have proposed, Congress can safely bring our troops out of harm's way.

How can I say this with such confidence? There really is plenty of precedent for Congress exercising its constitutional authority to stop U.S. involvement in armed conflict.

I recently chaired a Judiciary Committee hearing entitled "Exercising Congress's Constitutional Power To End a War." Without exception, every witness—those called by the majority and those called by the minority—did not challenge the constitutionality of Congress's authority to end a war. Lou Fisher with the Library of Congress, one of the foremost experts on separation of powers issues, pointed out that Congress does not simply have the power, it has a responsibility, to exercise it when it is needed. He said:

The question to me, always remember, Congress, is the continued use of military force and a military commitment in the Nation's interest? That is the core question. Once you decide that, if you decide it is not in the national interest, you certainly do not want to continue putting U.S. troops in harm's way.

The argument that cutting off funding for a flawed policy would hurt the troops, and that continuing to put U.S.

troops in harm's way supports the troops, makes no sense. By ending funding for the war, we can bring our troops safely out of Iraq.

Walter Dellinger of the Duke Law School made this point when he testified about my proposal:

There would not be one penny less for the salary of the troops. There would not be one penny less for the benefit of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or for support. Those troops would simply be redeployed to other areas where the armed forces are utilized.

So instead of allowing the President's failed policy to continue, Congress can and should use its power of the purse to end our involvement in the Iraq war, safely redeploying the troops while ensuring, as I do in my bill and as the Reid resolution permits, that important counterterrorism and other limited operations are still carried out.

Now, for those who don't believe this has ever been done or for those who say it can't be done, let me cite an example from not that long ago. In October of 1993, Congress enacted an amendment sponsored by the senior Senator from West Virginia cutting off funding—cutting off funding for military operations in Somalia effective March 31, 1994, with limited exceptions. Seventy-six Senators voted for that amendment. Many of them are still in this body, such as Senator COCHRAN, Senator DOMENICI, Senator HUTCHISON, Senator LUGAR, Senator MCCONNELL, Senator SPECTER, Senator STEVENS, and Senator WARNER.

Now, did those eight Senators and many Democratic Senators who joined them act to jeopardize the safety and security of U.S. troops in Somalia? By cutting off funds for a military mission, were they indifferent to the well-being of our brave men and women in uniform? Of course not. All of these Members recognized that Congress had the power and the responsibility to bring our military operations in Somalia to a close by establishing a date after which the funds would be terminated.

Now, on that same day with regard to Somalia, several Senators, myself included, supported an even stronger effort to end funding for operations in Somalia. The amendment offered by Senator McCain on October 15, 1993, would have eliminated funding for Somalia right away, except for funds for withdrawal, or in the case of American POWs, MIAs not being accounted for. Thirty-eight Senators opposed a measure to table that amendment. I was joined by many Republican Senators in supporting the amendment, including none other than the current sponsor of S. Con. Res. 20, Senator GREGG. Senator GREGG suggests in that resolution that eliminating funds for troops would undermine their safety. Was he voting 14 years ago to do that? Obviously, he would not do that. In 1993, was he committing the same egregious offense

that he so strongly opposes in 2007? Could he have been so cavalier about the safety of our troops? Not the Senator I know. He would never have been indifferent to their need for guns or ammunition or food or clothing, nor would I, nor would any other Member of this body. Of course not.

Senator GREGG knew, as did I, that Senator McCain was proposing an appropriate, safe, responsible way to use our power of the purse to bring an ill-conceived military mission to a close without in any way harming our troops.

Unfortunately, the new Gregg resolution seems to have forgotten this point. I hope that my colleagues will think better of efforts such as that proposed by Senator GREGG today. All Senators, including the distinguished senior Senator from New Hampshire, are, of course, entitled to their opinions, and all Senators are certainly entitled to oppose my efforts to end funding for a disastrous war. But by putting forth misleading and baseless arguments, by suggesting that ending funding for the war is tantamount to ending funding for the troops, they are making it that much harder to have the open, honest, and essential debate about the Iraq war that this body and the American people so badly need.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, we are debating a serious proposal with respect to the future of our involvement in Iraq and the future of Iraq and, indeed, that region of the world. I believe the proposal Senator HARRY REID of Nevada advanced is a sensible way to begin to change our policy, so it can be sustained over time and it can lead to a successful termination of our operations in Iraq but, more importantly, give the Iraqis the opportunity to establish a stable government in a very difficult part of the world.

The elements of the proposal that Senator REID has advanced, are right on target. First, to define the mission in a way that they can be fully supported by the United States and also that they are congruent with our best interests in the region and the world. Next, obviously, is force protection. We have to be able to assure our forces that they can protect themselves at all times. Third, to continue to develop the Iraqi security forces—not just to put guns in their hands but to develop their capacity to do other things, such as civil affairs, intelligence operations, those critical military skills that will allow them to be an effective force in their country, to bring not just stability but a sense of competence, co-

herence to the operation of their Government.

The next mission is the constant attention to counterterrorism. This is a mission that I believe transcends every border in the world. Wherever there are those elements that are actively plotting to attack us or our allies, we should be prepared, together with local authorities, if they are cooperative, to take these elements out very dramatically, preemptively. That is essentially what we did in Somalia, without the presence of hundreds of thousands of American troops in Somalia. But we had the special operations capacity, intelligence, and the cooperation of local parties so we could do that.

Those are the three critical missions I believe we have in Iraq that will be longer term. But I think, also, when recognizing those missions, we can begin to recognize and begin to redeploy our combat brigades that are there. They are essentially now engaged in a civil war, a sectarian battle between the Sunnis and Shia in Baghdad, but not just there. These forces we have to begin to redeploy away from Iraq. Initially, they could be redeployed within the country, to adjacent countries, and at some time back to their home stations. I think this is the wisest course.

I hope, as the legislation suggests, we could at least have as a goal March of 2008 for the redeployment of these combat brigades, understanding that these residual missions—force protection, training Iraqi security forces, and counterterrorism—will endure. That is a wise policy that is consistent with our national security objectives and also consistent with our ability and the ability of the American people to sustain these efforts over many months.

The continued course of simply adding more troops and hoping for the best, which is the President's strategy, is not going to work. More importantly, I cannot see it being sustained indefinitely by the American people or supported by a terribly overstretched military force, particularly our Army and Marine Corps.

This whole approach to Iraq, I believe, from the very beginning, was a flawed strategy. It disregarded fundamental aspects of any coherent strategy—identify the most serious threat and apply adequate, very robust resources to the threat. Iraq wasn't the most serious threat in that region. Iran is much more powerful and much more potentially dangerous and, also, at that juncture, the most serious threat, and still lingering are the international terror cells.

But this administration, against my judgment, entered into this conflict in Iraq. Not only did they have a flawed strategy, but the execution has been horrific, incompetent. Today, we are left with very few good choices. One of the most revealing aspects of why the strategic decisions made by the administration were so faulty was given a few weeks ago when I asked Admiral

McConnell, the Director of National Intelligence: What is the most likely source of an attack on the United States, groups in Iraq or groups in Pakistan? His answer, without any delay, immediately, was: "Pakistan, of course." So we have invested billions and billions of dollars, 140,000-plus troops, over 3,000 Americans killed in action, many more seriously wounded, and yesterday, the highest intelligence official in the country says the most serious potential threat to our homeland, an existential attack on the order of 9/11, is from our ally Pakistan. That is because, once we focused on Iraq, we took our focus off Afghanistan and Pakistan. We have allowed the Taliban to rehabilitate itself. The Pakistanis have been unable to deny a safe haven to bin Laden, Zawahiri, and other key elements of al-Qaida's leadership who are not only surviving but beginning to reorganize and reassert themselves as directors or aspirers or at least co-conspirators with other terror groups around the world. That is a stunning indictment of the strategy that this administration has unveiled.

There are other costs to this strategy. You will recall the "axis of evil." The President boldly announced that it was Iraq, North Korea, and Iran. Well, frankly, after ignoring the North Koreans for many years, now the administration is seeking to cut a deal with them with respect to their nuclear weapons. But this is a much worse deal than the administration had when it stepped into office. In 2000, their plutonium was capped by international inspectors on the ground. But through a series of miscues, the administration allowed the North Koreans to take away their plutonium, create up to 10 nuclear devices, we think, test long-range missiles and, in a shocking act, detonate a nuclear device, becoming part of the nuclear club. Now we are offering them essentially the same terms that could have been had, without all this damage, many years ago.

With respect to Iran, we know one of the consequences, one of the costs of our operations in Iraq is that Iran is in a much more secure strategic position today. They have colleagues and cohorts who are integral parts of the Government in Baghdad. The people we rely on, the Maliki Government, has huge support from people who have spent years, who have fought alongside the Iranians against the Iraqis. Yet we are supporting, as we must, the Maliki Government. But we should all recognize the huge influence Iran has today as a result of this strategy.

Now, these costs are strategic costs, but there are some obvious costs in terms of dollars and cents. We are spending in Iraq about \$8.4 billion a month. That level of effort is difficult to sustain. In Afghanistan, we are spending less but still significant dollars. All these costs are being funded from the supplemental. We are borrowing the money from the next generation of Americans to pay for these efforts.

The President already set up another supplemental request that will be pending in a few days. It includes \$93 billion for operations in Iraq and Afghanistan. It will bring the total for this fiscal year—what was in the original budget, together with the supplemental—to \$145 billion. We will likely see totals such as that in succeeding years.

In the 5 years the United States has been engaged in Iraq and Afghanistan—Iraq particularly—we have spent about \$530 billion. That is a huge sum of money. That is very difficult to sustain. We can also see the cost in terms of supplying the Army. We have a situation where units are without equipment. Our National Guard is in disarray. Now we are going to, once again, put a huge demand on our military forces to support this escalation. It has been suggested to me that, shortly, upward of nine brigades of National Guard and Reserve forces will be notified for redeployment to Iraq and Afghanistan. Once again, our citizen soldiers will be taken from their homes and sent overseas. When they go this time, they will not have quite the same equipment as they did the last time because National Guard equipment is in disrepair, even worse than the regular forces. Their training will likely not be as authentic because of the difficulty in getting out to the national training centers. They might do most of the training at their home stations. We are beginning to see this accumulation of costs reflected in many ways.

A few days ago, the Boston Globe published a story in which it showed that because of the retirement and resignations of captains in the Army, senior NCOs in the Army, promotion rates have been going up astronomically to fill these vacancies. That is probably the worst potential trend for any military force, because without those capable company grade leaders, we will not be able to assure the American public we have the same level of professional skill that we have today.

I believe, for all these reasons, the resolution proposed by Senator HARRY REID is the right course of action. But there will be an alternative approach, and that is a proposal by Senator GREGG with respect to funding. A few points can be made about that. The Gregg resolution misinterprets the Constitution by saying the Congress's only role is simply to rubberstamp what the President does—or worst case, they can only take funds away. That is not the case at all.

As I mentioned on the floor yesterday, way back in 1799, the Supreme Court of the United States clearly said that Congress had the right to make decisions with respect to national policy involving foreign affairs. In fact, their decision essentially said the Congress could pass a law that would allow the President to stop ships going into certain ports but not leaving certain ports.

Many of my colleagues on the other side came down and talked about us

micromanaging. That is micromanaging. It is constitutionally permissible, perhaps, but it is not something we will do. It is not something we would want to do. We want to give the President the latter two that he needs but for missions that are consistent with our national security.

Under the Gregg resolution's interpretation of the Constitution, Congress's only responsibility seems to be to fund whatever the President asks.

That I don't think is appropriate constitutionally or with respect to our obligations as thoughtful participants in the policy process along with the President.

Senator MURRAY will offer an alternative, and that alternative strongly supports our troops but also properly interprets the Constitution by stating the President and the Congress have shared responsibilities for the decisions involving our Armed Forces.

I suspect if you took the Gregg logic to the extreme, if the President sent up a funding bill and we thought it was inadequate, then I suspect we couldn't do anything because, after all, all we can do is either agree with the President or cut off the funds. That is not the case at all.

I can recall the President sending up to the Senate budgets that did not have enough resources for armored humvees, body armor, et cetera. It was this Congress that put more money in because we have a role when it comes to funding the operations of the military.

When it comes to Presidential policy, it is not simply accepting it or taking away the money; it is altering that policy if it is wrong, it is redefining missions, and it is fully resourcing those missions which are the product of this interaction between the President and the Congress.

A quote from Senator MURRAY's resolution:

... the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

That I think is a much more accurate, appropriate, and sensible approach to the issue of shared responsibility.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility to take actions that help our troops and our veterans. We have had a lot of talk about not funding the troops. But wait a second, it was the President who sent in forces without a plan. It was the President who sent in forces without adequate armored humvees. It was the President who sent in forces without body armor. It was the President and his Department of Defense who weren't aware of the travesties that were taking place at Walter Reed when it comes to veterans. It is the President's Veterans Administration that refused a

few years ago to ask for adequate money for the Veterans Administration hospitals because of the new demand from veterans.

If anyone over the last several years failed to fund the troops properly, it is the President. So our concerns should be directed at his failures to fund the troops rather than that of Congress.

This is a collaborative process that both the White House and the Congress have to ensure our forces have the resources they need, but we also have to make sure they are performing the missions most important to the United States. By endorsing the Murray resolution, we are sending a clear message of our joint responsibility to fully fund our soldiers in the field, and by supporting Majority Leader REID's resolution, we are sending a signal that the right policy, phased redeployment, carefully defined missions, providing a stable regional approach to Iraq and, in the long term, redeploying troops so we can face with more flexibility the challenges of a North Korea, of an Iran, of places such as Afghanistan, Pakistan, and places perhaps at this moment we are not aware of but will suddenly burst onto the front page because of the presence of terrorists or other destabilizing activities.

I urge strong support of the resolution supported by Majority Leader REID and the resolution supported by Senator MURRAY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 7 minutes.

Mr. KYL. Madam President, there is an old joke about the definition of retreat, which is a strategic withdrawal. I note that is the phrase used in the resolution, S.J. Res. 9, to describe the process of leaving Iraq. The language effectively is: "The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days," and then says:

... with the goal of redeploying by March 31, 2008, all the United States combat forces from Iraq. . . .

Except for the limited purposes of protecting forces, training Iraqi forces, and conducting targeted counterterrorism operations.

That is a very bad idea. We shouldn't be playing politics with this war, and we shouldn't be trying to micromanage the war from Congress. But setting specific dates by which the commanders are to make certain decisions, including how troops are deployed, is clearly micromanaging the war effort.

The fact there have been 17 resolutions—I believe this is the 17th resolution—on the Democratic side of the Congress, and the fact that none of those other 16 were adopted I think demonstrates the confusion on the other side as to what exactly ought to be done and the differences of opinion by Members on the other side of the aisle.

Thank goodness we didn't adopt any of the other 16, and we shouldn't adopt

this one either. This one is particularly pernicious. It actually begins the withdrawal. It sets a date, "shall commence the phased redeployment . . . not later than 120 days.

Then it uses a goal of completing that withdrawal by March 31, 2008. Some have tried to hide behind the word "goal." I think Senator FEINGOLD said it right, however, on March 8 of this year when he said:

For the first time, it—

"It" meaning the resolution—

has a timetable in place, as I called for in August of 2005. It's not as early as I would like, but is a timetable not only to begin to get the troops out but to get the troops out except for very limited purposes.

It didn't always used to be this way. A lot of our Democratic colleagues understood that setting timetables and deadlines was absolutely the wrong thing to do.

The distinguished majority leader, for example, said:

But as far as setting a timeline, as we learned in the Balkans, that's not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

Another one of the supporters of the resolution said 2 days ago:

I don't believe it's smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.

Another cosponsor of the resolution said 3 days ago:

I, for example, am not in support of circling a date on a calendar and saying, "No matter what, we're out on that date."

One of the most thoughtful people in the Senate on matters of foreign policy has spoken a lot on this issue, and I think what he said a couple of years ago makes a lot of sense. This is the distinguished chairman of the Foreign Relations Committee. He was talking about the options. He said:

... we call it quits and withdraw, I think that would be a gigantic mistake for the reasons I stated earlier. Or we can set a deadline for pulling out, which I fear will only encourage our enemies to wait us out, equally a mistake. . . . I mean, the idea of setting a timetable to leave generally means that you have to set and train the process of leaving. It is not an easy process. And I think once that is smelled as the option, then I think you find it will degenerate quickly into sectarian violence, every man for himself. And the conclusion that will be achieved will be, I think, Lebanon in 1985, and God knows where it goes from there.

Recently, the distinguished chairman said this, unfortunately:

We should withdraw our combat troops by early 2008, except for a limited number necessary to keep training Iraqis and to deny terrorists a sanctuary.

As I said, it used to be that most Senators understood that setting a timetable in a war, a date for withdrawal was a very bad idea, not just because it tried to micromanage the conduct of the war from the Congress but because it signaled to the enemy precisely what the enemy had to do, to wait us out and then prevail in the conflict.

That is precisely what this resolution does and is the key reason why every Senator should be voting against this resolution and why those who spoke against a timetable before should remember what they said and the wisdom of those words and follow that same advice today.

This is especially pernicious because at the very time this resolution is being adopted, there continues to be news from Iraq that suggests the new strategy, the Petraeus plan, is actually beginning to work. Nobody is claiming any victory. There are going to be bad days as well as good.

I ask unanimous consent at the close of my remarks to print in the RECORD an article from the Associated Press in my hometown newspaper: "Baghdad's terror death counts are falling."

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

(See exhibit 1.)

Mr. KYL. Madam President, the article points out the fact that the death squad deaths are falling substantially, the militia activity is down substantially. While our commanders there are being cautious about declaring the operation a success, nonetheless, there are many different descriptions of events happening in Iraq that give us a lot of hope.

I was there a couple of weeks ago, and our commanders and Iraqis both were cautiously optimistic this would work.

The point is, at the very time the new plan is underway and it seems to at least show early signs of success, why would we want to declare it a failure and start the process of withdrawing at the very time these additional troops seem to be making a difference?

One of the chairmen of the Baker-Hamilton study commission, former Democratic Congressman Lee Hamilton, was testifying before the Congress about a month ago. He said we should give this plan a chance. We should give it a chance to succeed. That is exactly what we ought to do. We start by rejecting the resolution that is pending because it micromanages the war and sends a horrible signal.

We also try to support the troops by adopting as quickly as possible a supplemental appropriations bill that funds this effort without tying the strings of our commanders and without imposing so many other conditions that the President is constrained to veto it. We have to get that funding to our troops as soon as possible. That is the other message the commanders on the ground, both in Kuwait and Iraq, gave to me when we were there. They said: Please adopt the supplemental appropriations bill without strings.

I urge my colleagues to vote against the resolution when it comes up for a vote later this afternoon.

EXHIBIT 1

[From the Arizona Republic, Mar. 15, 2007]

BAGHDAD'S TERROR DEATH COUNTS ARE FALLING

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crackdown began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets, which are favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city, according to a Pentagon report released Wednesday.

But although many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just lying low or hiding outside the city until the operation is over.

U.S. military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: Only two of the five U.S. brigades earmarked for the mission are in the streets, and the full complement of American reinforcements is not due until late May.

The report even used for the first time the term "civil war" to describe some of the violence. But it stressed that the term does not capture Iraq's complex situation, and its assessment was based on the final three months of 2006, which it said was the most violent three-month period since the U.S.-led invasion.

U.S. officials say the key to the security crackdown's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive: A proposal for governing oil, the country's main source of income, is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect, often to a gruesome torture and death.

The rattle of automatic-weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once-vacant streets.

"People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas, or "Father of Abbas." "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left while other kinds of violence have decreased."

In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital, all victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week, with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press.

Since the crackdown began, weekly totals have dropped to about 80, which is hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Bombings also have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.

Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with

Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.

"I would caution everybody about patience, about diligence," Maj. Gen. William Caldwell, a U.S. spokesman, said Wednesday. "This is going to take many months, not weeks. But the indicators are all very positive right now."

Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province, where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.

If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then re-emerging to fight each other for control of the capital.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, in November, the American people sent a clear message to Washington. They said: Change the course in Iraq. A few weeks later, the Iraq Study Group issued its bipartisan report calling for a change of course in Iraq. Even the President's new Secretary of Defense, Robert Gates, during his confirmation hearing, acknowledged that the current course in Iraq was not working. But instead of developing a new strategy, the President has stayed on his failed course, plunging American troops deeper and deeper into a civil war on the streets of Baghdad and relying on the promises of Iraqi politicians who have not delivered on previous promises.

The question for us today is whether we will accept that failing strategy or whether we will change it. The President's deepening military involvement will not lead to a stable Iraq because it has a fundamental flaw. It tries to impose a military solution on a political crisis.

Listen to the assessment of Iraq Prime Minister Maliki of the situation in his country. This is what he said:

The crisis is political, and the ones who can stop the cycle of bloodletting of innocents are the Iraqi politicians.

Outside the White House is a consensus that a political solution among the Iraqis is required, but President Bush persists on a military deepening involvement.

The President claims that Iraqis will meet the political benchmarks that they have put forward, but the track record of Iraqi politicians indicates otherwise. On issue after issue, the Iraqi politicians have failed to keep their word, and Iraq is worse off because of those failures.

The President's course of action—deeper and deeper military involvement—sends a signal that the Iraqi leaders can continue to bicker without consequence. If the Iraqis fail to meet their own benchmarks, the President will presumably continue to bail them out by sending American troops to police an Iraqi civil war. Unless failure to meet benchmarks has consequences, those benchmarks have little meaning. We must change the course if there is going to be any hope of success in Iraq.

The best leverage we have is the presence and mission of American forces. As long as our presence is open-ended, the dynamic in Iraq will remain the same: Insurgents will target our troops, militias will cause mayhem, and the Iraqi politicians will sit in relative safety in the Green Zone, unwilling to make the compromises so essential to reaching a political settlement that can save their country. But if we send a clear message that we are ending the open-ended commitment, that will shift responsibility to the Iraqis, both politically and militarily, for their own future.

By requiring the President to change the mission of American forces to the three missions specified in the Reid resolution, by beginning a phased redeployment of American forces in 4 months, the resolution before us would force the Iraqi leaders to face reality and to understand that their future as a nation is in their own hands, not ours. The Iraqis will finally be forced to decide if they want a civil war or they want a nation. They will then understand we cannot save them from themselves.

The President and his supporters ask for patience. But asking for patience now, after all these years of asking for patience without success, is a little like Lucy asking Charlie Brown to try to kick the football one more time. We ought to be wise enough by now to know that increased military involvement won't achieve the political settlement that is needed.

General Peter Chiarelli, Commanding General of the Multi-National Corps in Iraq, said the following:

We need a commitment by all Iraqis of all the ethno-sectarian groups to commit first to nonviolence and to resolving their differences through the political process. I happen to believe that we have done everything militarily we possibly can.

General Casey made a similar point in early January when he said:

The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias.

The real battle for Baghdad is a political battle. Maximizing success in Iraq requires us to change course and to shift responsibility to the Iraqi political leaders for the future of Iraq. To paraphrase British Prime Minister Tony Blair, the next chapter of Iraq's history needs to be written by the Iraqis.

Our vote today will decide whether we will begin changing course to maximize chances of success in Iraq or whether we will remain mired in the status quo of sending more and more American troops into the middle of an Iraqi civil war.

Mr. CRAIG. Madam President, we are brought back to the floor again this week to continue the debate on Iraq and whether the United States should begin to pull our troops out of Iraq. Yet again the majority leader has

brought legislation to the floor of the Senate that will set arbitrary timelines for U.S. withdrawal, sending a signal to the Iraqi people that we are poised to abandon them; while at the same time sending a strong message to our enemies that to defeat the United States, all they need to do is wait us out. That kind of policy will allow our current and future enemies to dictate our foreign policy for us, not the other way around.

General Petraeus has now only had weeks to implement his new strategy for stabilizing Baghdad. After a unanimous vote of confirmation, the majority party now wants to send a signal to General Petraeus that we not only have no confidence in his abilities to stabilize key parts of Iraq but that we have no faith in our soldiers' ability as well. That is not a statement I am willing to send to our soldiers in combat. The majority would rather see 535 generals leading the way towards stability and security in Iraq and the greater Middle East, and I do not see that strategy as an effective way to run a war.

I cannot stress enough that our conflict in Iraq does not stop at the borders. Iraq is a central country in a very dangerous region of the world. Bordered by Iran and Syria, which are both contributing to the violence in Iraq, will clearly see a premature U.S. troop withdrawal in Iraq as a symbol that our resolve is not strong enough to stop their ambitions for regional dominance.

A premature withdrawal from Iraq will almost certainly lead to a massive humanitarian crisis, which would leave hundreds of thousands of Iraqi civilians at the hands of murderous militias. I would ask of my colleagues who favor immediate withdrawal from Iraq, are they willing to stand idly by as hundreds of thousands of Iraqis are raped, beaten and murdered? I would assume the answer would be no, paving the way for an even greater peacekeeping force to be deployed to Iraq, and making the work to stabilize that country infinitely more difficult.

I think it is important for the American people to know that the roadblocks put up in the Senate regarding nonbinding votes on Iraq were not put up by the Republican minority. I have stood on this floor on more than one occasion debating the war this year. We have had, and will continue to have, full debates on the floor of the Senate regarding Iraq, but it is up to the majority leader whether those debates will be fair debates. I was pleased to see that an amendment offered by Senator GREGG will be allowed an up-or-down vote. This resolution clearly states that the Congress will not cut off any funding for soldiers we send into combat. An overwhelming majority of both the House and Senate voted to send these troops into war, and we all the responsibility to ensure that any American soldier in harm's way will have the full support of their government.

The majority party continuously denies planning or calling for defunding this war, and thus the troops, but several Democratic Senators and Congressmen have spoken publicly about their desire to eliminate funding for our soldiers. That is a very dangerous game to play, when Members will allow antiwar politics to convince Members of Congress that they should cut off funding for American troops on the battlefield.

Now, it is very clear that there is no single military operation that can bring stability to Iraq by itself. We need the Iraqi government to stand up on its own two feet and lead their country. We need an Iraqi economy to be strong and viable on its own in order to give the Iraqi people a choice between turning towards insurgent militias and terrorist organization, but instead to start new businesses and make constructive contributions to their society. However, without stability in the capital city, there can be no stable government and there can be no economic stability. The reinforcements called for by General Petraeus, which will assist in stabilizing Baghdad, are working to lower the levels of violence, and will pave the way for economic and government stability.

I, like all of my colleagues, want nothing else but to have our troops home and out of harm's way. That said, we should not be in such a rush to leave Iraq that we leave that country in shambles, creating a haven for terrorism and a humanitarian crisis that could rival or surpass any we have seen before.

We are at a critical juncture in this war. The American people are questioning our policies in Iraq, mistakes have been made over the three plus years we have been in Iraq, and I will readily admit that. But I do not believe that we are at a point of failure. The majority party is frustrated with our progress in Iraq, but I firmly believe that Congress micromanaging this war is the most detrimental policy our country could pursue. The Congress should not be in the business of setting arbitrary withdrawal timetables, setting troop levels, threatening funding for our soldiers, or sending messages to our soldiers that we have no faith in their mission.

The Senate is yet again going to be voting on a series of binding and non-binding resolutions that will send a strong message to our soldiers, the American people, and to our enemies. I hope that my colleagues will speak in a loud voice of support to our soldiers; a resolute voice to the American people that we will not be defeated by radical insurgents and terrorist groups; and a firm voice to our enemies that we will not be defeated. Our national security, and that of our allies, is at stake, and I will not cast a vote to pull our troops out of Iraq prematurely and allow Iraq to become a base of operations for strikes against this country.

Mr. KOHL. Madam President, today the Senate confronts the tragic situa-

tion facing us in Iraq. No Member of the Senate, the administration, or our Armed Forces is happy with where we stand in Iraq. A mission that began with the great success of our men and women in uniform has bogged down through no fault of theirs. With heavy hearts the Congress, after hearing the people speak in November, must now force a change in our policy in Iraq. We can no longer allow an open-ended commitment to Iraq that endangers our forces while allowing Iraqi politicians to delay the difficult choices they must make.

S.J. Res. 9, which I support, calls on the President to begin the redeployment of our troops out of Iraq. After 4 long years they have been stretched to the breaking point. They now referee a bloody civil war that bears no resemblance to the original conflict we authorized them to engage in. The time for military solutions is over, and the difficult work of political compromise lies before the Iraqis with little our soldiers can do to help.

The resolution does not require a rapid pullout, however, but gives time for a measured withdrawal that will protect our troops while providing support to the new Iraqi government. It sets March 2008 as a goal for our combat troops to be gone from Iraq—5 years after they first entered the country—but it provides flexibility if that is not possible. The March withdrawal goal is also in line with what the Iraq Study Group believed was appropriate.

This reasonable goal will give Iraq's politicians time to make the difficult decisions they need to make about power sharing and dividing oil revenues. It will also give our troops time to complete the training and equipping of additional Iraqi police and security forces. Five years is plenty of time to help a new nation toward democracy—or prove that democracy cannot be imposed from the outside. Either way we cannot ask our military to continue their mission indefinitely.

Critics of the resolution believe that withdrawing from Iraq will damage our national security, but I disagree. The ongoing conflict in Iraq is hurting our image in the world, it is hurting our economy, and it is hurting our military. This war is no longer protecting us, but according to our own intelligence community it is encouraging terrorists to take up arms against us. Our presence has kicked off a vicious circle of violence that makes us less secure—not more. We need to close the circle and end this cycle of violence.

We all want a stable and peaceful Iraq, but it is time to recognize that the U.S. alone cannot achieve that goal. We need the help of the Iraqi people and the assistance of Iraq's neighbors. If we work together Iraq can get on its feet and repair the sectarian divide. But if we continue on our current path, bearing the burden by ourselves, the cycle of violence will erode our good efforts. It is time for a change. It is time for us to shift the burden to the Iraqis and help them carry it forward.

Mr. BIDEN. Madam President, there are many statements in the resolution by the Senator from New Hampshire that are true. It is a true statement that the President has the power to "deploy troops and direct military campaigns during wartime." But that presupposes that a war has been properly authorized by Congress because that power exists only in wartime, or in certain emergency circumstances. The President does not, however, have the power under the Constitution to initiate a war.

It is literally true that Congress has the power of the purse, and in that capacity has the moral responsibility to adequately support the troops in the field, once we are at war. This administration has failed in that responsibility in not equipping our soldiers in Iraq with adequate armor, in not having an adequate plan to stabilize Iraq after the initial invasion, and in not caring for our soldiers properly when they return home.

But this resolution is not balanced. It does not set forth a statement about Congress's powers under the Constitution to authorize the use of force under article I. Nor does it say anything about the authority of Congress to change the mission of U.S. forces, once a war has commenced. This silence about Congress's power might be interpreted to suggest that the President's powers as Commander in Chief to initiate war are unlimited, and that Congress's sole responsibility is to fund a war that the President initiates. That is not what the Constitution says, and I cannot vote for anything that might be so read.

Because the Gregg resolution lacks balance, I cannot vote for it. I will vote instead for the resolution by Senator MURRAY, which presents a more complete statement about the allocation of powers under the Constitution.

Mr. BUNNING. Madan President, I rise today to discuss the S.J. Res. 9 dealing with troop withdrawals from Iraq.

While this nonbinding resolution is different from the resolution we debated last month, its purpose is still the same. It will micromanage the war and send a detrimental message to both our troops and our enemies.

That is why I voted against cloture on the motion to proceed to the resolution and why I will vote no on its final passage. I believe that we must give the President's new strategy for Iraq a chance to work before we begin criticizing it.

At this time, we ought to be sending a clear message of support for our troops and for ensuring that they have the necessary supplies and resources to carry out their mission. Unfortunately, we cannot seem to see beyond our political differences to do this and instead want to attack the President's Iraq plan no matter what the consequences of our actions would be.

Just a few weeks ago on January 26, the Senate unanimously—unani-

mously—confirmed GEN David Petraeus to be commander of the multinational forces in Iraq. General Petraeus supports the President's new strategy in Iraq and has embarked on a mission that both the President and the Senate selected him to do.

I would like to point out to my colleagues the irony, as well as the inconsistency, in the choice this resolution is presenting to this body. With the newest Iraq resolution, we are once again being asked to disapprove of the very mission we unanimously confirmed General Petraeus to execute. This resolution asks Senators and not General Petraeus to direct the activities in Iraq. But Congress is not the commander in chief, and we should not be dictating military strategy.

The resolution sets a specific date for the beginning of the withdrawal of our troops from Iraq. This withdrawal would occur even if there is progress on the ground in Iraq or our allies believe our presence is still necessary. This resolution allows politics to be the deciding factor of how we manage a war.

Passage of this resolution would show to the world that our will can easily be stripped by terrorists if they just wait it out.

If General Petraeus, who is a friend of mine, comes back to Congress and tells us that the President's new strategy is not working, then I am prepared to change our course. But we need to give it a chance to work.

We have already begun to see some successes based on recent events and reports from General Petraeus. Sectarian killings have been lower in Baghdad over the past several weeks than in the previous months. There is less sectarian displacement in Baghdad neighborhoods allowing families to return home and Sunni insurgent leaders have renewed talks with top U.S. officials about political accommodation.

I realize these successes are small and it is too early to tell whether they will lead to significant changes in the future, but we now have proof that this strategy could work if given the chance.

We have also begun to see a positive response from the Iraqi people. Just 2 weeks ago, the Iraqi council approved the foundation of a hydrocarbon bill which is a oil revenue-sharing measure with the Iraqi people and the provinces of Iraq. The legislation is soon going to the assembly. For the first time in the history of their country, the people of Iraq are on the doorstep of having equity in oil distribution.

Despite these successes and unanimously confirming our new commander in Iraq, my colleagues on the other side of the aisle would like to declare failure. They would like to tie General Petraeus's hands in a way that would make achieving his mission impossible. I do not believe that pulling the rug out from underneath our top commander in Iraq is a plan for success. Rather, I believe that we should focus the current debate on what we can do

to support General Petraeus and the brave young men and women in Iraq to accomplish this critical mission. I will continue to do whatever I can to ensure that our troops and mission succeeds.

Failure in Iraq is not an option. It would not only jeopardize our own national security but that of the region as a whole.

When this motion to micromanage the war in Iraq comes to vote, I urge my colleagues to oppose it. Remember, we have only one commander in chief, not 535 generals who make war plans from the floor of the Congress.

Mr. ENZI. Madam President, as I begin my comments on the resolutions we have under consideration, I want to first make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for them all for their heartfelt commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making great sacrifices in our country's name so that we might continue to be the land of the free and the home of the brave.

Over the years, I have been to Iraq and I have met with the members of our Armed Forces there and, later, here in the United States when they have returned home. These remarkable men and women exemplify the best qualities of our Nation. They volunteered to serve in the best trained force in the world and they deserve our complete and unwavering support. If it were possible, I would like to have each and every one of our troops back home with their families and friends immediately. We cannot, however, pull our troops out of Iraq at this point without facing extremely dire consequences for a long time to come. I have spoken at length to our troops about their mission and they understand their mission.

I was thinking about them, and all of the members of our military who are presently serving around the world as I began to prepare my remarks. I thought back to the days, years ago, when I was first elected to serve as the Mayor of Gillette, WY. I made a habit of carrying around a copy of the United States Constitution with me everywhere I went. I kept it in my coat pocket, next to my pen, and whenever I looked at it, it reminded me of two things—the Government I was a part of, and the people I was elected to serve.

Then, when I came here to the Senate, the Constitution took on an even greater, deeper meaning for me. I see it as my job description. That is why I make sure to always keep it handy so it can continue to serve as a reminder of the detailed portrait it contains of our Federal Government and how it was designed to work by our Founding Fathers. Today, it provides us with a

good starting point for our debate and it provides some of the answers to the issues before us.

The relevant parts of the our country's Constitution are quite clear. Congress must be consulted before any large scale military operation is begun. But once that has been done, the Commander in Chief of our Armed Forces, the President, is to direct the effort that we have approved.

The Founding Fathers had a good reason for establishing the President as the Commander in Chief of our Armed Forces and the one who is responsible for making the decisions affecting the actions of our Nation's military.

That does not mean that Congress does not have a play in these decisions. We all have an important role to play when it comes to matters like these. Again, in their great wisdom, the drafters of our Constitution knew that Congress could—and should—influence policy—but they knew it would be impossible for us to have all the information available to the President to debate and assess before making a decision on the viability of every military operation. The process of determining military strategy would be a nightmare if we were to be expected to debate all of the intricacies of every policy and, by so doing, publicly reveal some of the information obtained by our intelligence agencies on the House and Senate floor before reaching a decision. Our procedure on the Senate floor is a good process for debating and considering legislation, but it is a process that does not lend itself well to producing a quick and informed military decision at a time of crisis.

Those thoughts were on my mind when the President put forward a new strategy for us to pursue in Iraq, recognizing that what we are currently doing is not working. General David Petraeus, our U.S. Commander in Iraq, testified before us about that policy. He is consulting with highly educated and trained members of the military, many from universities where criticism of U.S. efforts in Iraq has flourished. It is evident that the President and his advisors are seeking analysis and recommendations from people who recognize the fact that the road ahead will be complicated and difficult.

Listening to the debate, I have heard many of my colleagues sum up the President's new strategy as just increasing the number of American troops in Iraq. I do not believe it is a matter of numbers. The real question should be what the placement of these troops is designed to accomplish. There is no question that there must be a clearly defined mission for them on the ground. By having more forces on the ground, we may be able to decrease the vulnerability of our troops as they move from place to place. That will provide them with the backup and protection they need to more safely pursue their mission.

In the months to come, it is clear that there are several things the new

policy must do if it is to be successful. First and foremost, the new campaign must provide the security the people of Iraq must have to feel safe at home. If they do not feel secure under the protection of the United States, coalition, and Iraqi forces, they will turn toward terrorist organizations that will prey on their fears and provide a false sense of security. America's long-term security interests and the possibility of world peace will be best served by an Iraq that can sustain, govern, and defend itself, while serving as an ally in the war against the terrorists.

Looking long term, I think we would all agree that the future of Iraq will directly affect the balance of power in the Middle East. That is why countries throughout the region are watching to see what action we will take in Iraq. An immediate withdrawal of United States and coalition forces will leave our allies in the region forced to prepare for additional conflicts.

Our mission in Iraq has not been easy, and it will not get easier in the days to come. After all, we are facing centuries-old difficulties as we work with the people of Iraq to help them overcome their religious and ethnic differences to form a nation that will work to benefit and protect all their people.

Ultimately, what the future of Iraq will be is up to the Iraqi people themselves. Iraq must put together a working coalition of its three major groups, the Kurds, Sunnis, and Shia, as well as other ethnic and religious minorities. They must work for national reconciliation through shared responsibilities as well as shared oil revenues that will be used to solve the problems that exist in their own backyard. Such a reconciliation will not only be good for Iraq, but the Middle East as a whole.

We have set forth benchmark requirements for the Iraqis to make. Our first benchmark has been met. Their parliament has approved an equitable split of oil revenues between the three factions. This is progress.

Looking back, the record is clear. Like many Members of the United States Senate, I supported the original decision in 2002 to take action against Saddam Hussein in Iraq. The vote I cast that day was not an easy decision. The tough ones are like that. You make the best decision you can, based on the information you have on hand at the time you have to make it. Those are the decisions that make us all lose sleep for years afterward. Anytime you vote to put our Nation's young men and women in harm's way, it stays with you long after the fighting is over and our troops are on their way back home.

Today, I remain concerned about the safety of the people on the ground: Americans, coalition allies, and the Iraqi people. And there is good reason for my concern. With today's rapid communication made possible by the Internet, cell phones, and other technologies, what we say here can almost

instantaneously find its way around the world and straight to the camps of both friends and foes—and they are both watching. In fact, I do not think it is an exaggeration to say that the whole world is watching to see what we will decide to do.

That leads me to ask, what do we hope to accomplish through this debate? We have already approved the nomination of General Petraeus by a unanimous vote. Now we are considering a resolution condemning a plan he has not had a chance to put into action yet. What sort of message will we send our troops with our vote on that?

As Members of the United States Senate, we have the opportunity to voice our opinions to the President and our constituents. But the fact that we are even going through this debate at this point in time may give those who wish to do us harm hope and embolden them—and once emboldened they will pose an even greater threat to our troops.

As we continue with our consideration of these resolutions, I want to be clear that I do not want to cut funding for the troops. Their safety and their very lives depend on that funding. When you are in a war, you do not do that to the troops.

Looking ahead, in the months to come, Congress must continue to closely monitor the actions of the new Iraqi government, our military leaders, and our civilian leaders. We should continue to express our opinions, and take whatever actions are necessary to ensure our troops are provided the best support possible so that they can come home soon. We should not, however, further endanger the lives of Americans and Iraqis simply to make a statement and take a stand against the President.

Mr. WHITEHOUSE. Madam President, the Senate will vote on whether America is on the right course in Iraq, or the wrong one.

I have spent the past two years traveling all over Rhode Island, listening to people from my state who were angry and frustrated at this President's refusal to see that his policies in Iraq were wrong from the start, and remain wrong today. Last November, they and millions of Americans cast their votes for a new direction.

They sent us here to hold this President accountable: for distorting intelligence to serve his policy goals; for failing to give our troops the equipment they needed to do their jobs overseas, and failing to take adequate care of them when they return home; for telling our country the mission was accomplished when, as we've seen, the war has now stretched on for five long years; for now proposing to send tens of thousands more American soldiers into harm's way, against the wishes of the American people, and without a plan to bring the conflict to an end.

Americans know the truth: escalating the war in Iraq will not make that nation more secure, or bring Iraq

and its people any closer to a lasting peace. It will not make our nation more secure. And it is not the new direction Americans demanded.

There is a way to change course in Iraq. If we announce clearly that the redeployment of American troops will begin, and begin soon, that opens up diplomatic opportunities in Iraq, in the Middle East, and around the world.

When it is evident to the insurgents that America is not an army of occupation, the factions within the Iraqi government will be obliged—and better able—to assume responsibility for the security and governance of their own nation. Iraq's neighbors will be newly motivated to take steps that will encourage a peaceful and secure Gulf region.

This binding resolution makes it clear that the situation in Iraq has changed since Congress authorized the use of force in Iraq in 2002. It states the President must begin the phased redeployment of American combat troops in no later than four months, with that redeployment completed by March 31, 2008.

The President failed to show America a new direction, and so the Senate will step forward to lead where he will not. I will vote yes to a change of course in Iraq, and I hope my colleagues will do the same.

Mr. HATCH. Madam President, I wish to take this opportunity to explain why I will vote against S. Res. 107.

First, I must applaud Senator MURRAY for what I believe was the overall premise of her amendment, to show the entire Congress's resolve in supporting our troops.

I fully agree with the portion of the amendment that reaffirms the Senate's commitment to providing the "necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned duties."

This is a policy to which I have dedicated my entire Senate career.

However, as a lawyer, I believe that it is also my duty to evaluate and work toward ensuring that all legislation which the Senate passes is strictly within the limits of our constitutional powers. As the preamble states, "Under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime."

Unfortunately, S. Res. 107 does not meet that test. While at first glance the passage I just cited may seem innocuous, the phrase "shared responsibilities" raises important separation of powers questions.

As we all know, the Constitution does not speak of shared powers, it speaks of the different branches of government having separate and distinct powers—a point which is at the core of

the debate on our nation's policies toward Iraq.

Under article II, section 2 of the Constitution, the President is the "Commander-in-Chief of the Army and Navy of the United States." However, Congress's role is limited in article I, section 8 which, in part, reads "... The Congress shall have power to ... provide for the common defense and general welfare of the United States. . . . To declare war . . . to raise and support armies . . . to provide and maintain a navy . . . to make rules for the government and regulation of the land and naval forces; . . . to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions . . . to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States . . ."

These are very different powers; they are not shared. The Constitution provides for only one Commander in Chief. Our troops are facing enough challenges in the weeks and months ahead—they do not need to worry if there will be 435 commanders in chief.

It is important that we remember this point now more than ever. And so, it is my analysis that the "shared powers" reference in S. Res. 107 clearly raises constitutional concerns, and that is why I voted against S. Res. 107.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, before the Senator leaves, as it is right now, we have 10 minutes left on this side. There is 1 hour left on the Senator's side. We want very much to get some speakers down here, if we could. I understand we are trying to reserve 20 minutes for leadership time and 10 minutes on each side. If the Senator has speakers, this would be a good time to have them down here.

Mr. LEVIN. Madam President, I believe one Senator is on his way right now, and the Senator's notice should produce some other Senators as well.

I thank the Senator from Oklahoma.

Mr. INHOFE. Madam President, rather than to speak myself, since there is going to be equal time coming off for both sides until a speaker gets down here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I ask unanimous consent that the last quorum call time be taken from the Democrats' time, and that future quorums come from the Democrat side.

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

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, what I wish to do at this moment is address one of the arguments I have heard many of my colleagues make over the past 2 days of this debate. The argument I have heard when I was on the floor yesterday, and again I have heard it today, is that the joint resolution we are debating is an effort to micro-manage the war by focusing the mission of U.S. Armed Forces on training Iraqis, denying terrorists a safe haven in Iraq, and force protection.

If you listen to my colleagues who oppose this, you hear them recount that as if somehow that is exceeding the power of the people to speak, through their Congress, as to what role American military forces are permitted to play. Many of my colleagues on the other side go on to argue we are somehow overstepping our constitutional boundaries in defining the purpose for which U.S. forces can be used in Iraq.

Well, that argument, I respectfully suggest, is dead wrong. Defining the overall mission of U.S. troops is entirely within the power of the Congress under the U.S. Constitution. Indeed, not doing so would be an abdication of our fundamental duty under the Constitution, which clearly manifests war power in the hands of the Congress.

Now let me give you a few illustrations, if I may. In 2002, when we voted to authorize the use of force against Iraq, we defined the purpose. We defined the purpose for which the President was permitted to use American forces against Iraq. It was to defend the national security of the United States against the continuing threat posed by Iraq, and, further, to enforce all relevant U.N. Security Council resolutions regarding Iraq.

During the course of the negotiations on that resolution, in which I was deeply involved, Congress made it clear, at least on this side—as one of the several people speaking for the Democrats at the time in the Senate—we specifically and clearly rejected the Bush administration's initial proposal for using force in Iraq. President Bush sought what I believe to be, and the majority of the Senate eventually did, an overly broad authority to use force: to restore international peace and security in the region.

I read that at the time as a grant of authority to the President that far exceeded what arguably was necessary at all in Iraq. The function of our military force was not to restore international peace and security in the region. We struck that and said: The use

of force is to defend the national security of the United States against a continuing threat from Iraq, not the region; not the region.

After the President's attempted overreach here, we narrowed the geographic scope of the authority the Congress, under the Constitution, was willing to grant the President, and we narrowed the purpose for which he was allowed to use force. We did two things. We not only said, Mr. President, this is not about the region. You can only use force, if necessary, dealing with Iraq being a threat to the United States.

I remind everybody what we were being told at the time. We were being told by the Vice President that Iraq had reconstituted its nuclear program. Simply not true. It was not true when he stated it. Our intelligence community not only said he did not reconstitute the nuclear program, it said he had no nuclear program. That is not what we were told.

So we gave him authority, I remind everyone, to negotiate at the United Nations, to keep the pressure of the world on Iraq, to bring back the U.N. people, to determine what nuclear program or weapons of mass destruction he had, to get the inspectors back in, and to negotiate to do that, because at the time the argument taking place in the world was, was the U.S. embargo, was the world embargo, were the U.N. inspectors causing pain for innocent Iraqis?

Do you remember how many times we heard the argument that the reason why there was not enough medicine, the reason why children were dying, the reason why they did not have enough food, was because of this awful thing the United States was leading, the embargo on Iraq, the Food for Oil Program?

So to put this in context so everybody remembers, there were a lot of us on the floor willing to give deference to the President, who we thought was responsible in the exercise of power at the time, because he appeared responsible immediately after 9/11; he proceeded correctly relative to al-Qaida and the Taliban. He did not go off willy-nilly and start bombing people. He built the case. He sent his envoys all over the world. He made a compelling case for the right for us to invade Afghanistan. He even went so far as to worry about whether the Arab street would rise up if we attacked Muslims in Afghanistan. He engaged in public diplomacy. He did a fine job.

That was the context in which we gave him this power. But even then, as much as he had done well relative to Afghanistan at the time, we quite frankly did not trust him or any President to have this broad reach of authority which he asked for, which was to maintain peace, international peace and security in the region.

So we cut back the authority we gave him to negotiate at the U.N. Remember what he tried to do. He came and made the argument: There has to be a

demonstration that all of the Nation support him in that we must keep pressure on Saddam. All Democrats and Republicans support him. That was the argument made to us. He did not come up here and make the argument to the Foreign Relations Committee, the Armed Services Committee: We need to be able to attack. He argued we needed to be able to give him the moral authority to go to the United Nations and keep the pressure on, because the French were wavering, the Europeans were wavering, some Arab countries were wavering. And then as time went on, he built this argument about they reconstituted their nuclear weapons and the like. But even then we did not give him the authority he asked for.

Why am I dwelling on this? Well, we made a clear judgment as a Senate and as a House, as a Congress, that he did not have the geographic scope for the extended purpose he wanted. We said: Here is your writ, Mr. President. Here is the region you are allowed to, if need be, use force—in this constrained area called Iraq. Because you are telling us, Mr. President, it is a threat to the United States of America, not a threat to the region, it is a threat to the United States of America. So you have the authority to deal with that, if necessary.

Secondly, even within Iraq, you can only use the force to enforce all relevant U.N. Security Council resolutions regarding Iraq. If memory serves me, there were 16, including resolutions relating to weapons of mass destruction.

So that was the rationale. We severely limited the authority he wanted because we thought it was an overreach. Now we know there were no weapons of mass destruction. Now we know—I will speak and say what I believe—hopefully the Intelligence Committee will show—not only did we have bad intelligence, but the good intelligence we had was misused by the administration, in my opinion. We will find out whether that turns out to be true.

In 2002, when we offered the authorization to use force, we defined the purpose. So I ask those who argue that we are now overstepping our bounds with this resolution, did we overstep our bounds in 2002 when we authorized the use of force against Iraq, when we limited what the President wanted to do? If, in fact, we do not have the constitutional authority today to limit what the President wants to do, how did we have the authority to do it in 2002? As I said, what is the rationale for the continued authority under the 2002 resolution? There are no weapons of mass destruction. All the U.N. resolutions are in compliance. And nobody argues the Iraqi Government is a threat to the United States of America. Are they going to invade us?

To those who have a problem with the mission we defined in this joint resolution before the Senate, I also say, listen to Prime Minister Tony Blair in

announcing last month the redeployment of British forces from Iraq. Last month the mission the British Government assigned to those Brits who will remain in Iraq is precisely what we prescribed in our resolution. The new mission of the British forces in Iraq is the following: to transfer responsibility to the Iraqis; to train and support Iraqi forces; to help secure the border and supply routes; and to conduct operations against extremist groups, i.e., Al-Qaida. It is not to fight in the Iraqi civil war. It is not to be in the lead role in security operations in Basra, where they had authority, or in Baghdad, where they did not. In short, with the exception of denying terrorists sanctuary and training of Iraqis, the British forces are moving from the driver's seat to the backseat. This resolution proposes that very transition for our forces in Iraq.

So I ask again, rhetorically, does the Vice President think Prime Minister Blair's announcement of a "redeployment," as the Vice President said, "validates the al-Qaida strategy"? That is what he is accusing the Congress of. That is what he accuses me and CARL LEVIN of when we came up with this idea, that is now a leadership amendment; we are validating al-Qaida's strategy.

Are the British validating al-Qaida's strategy? Is he saying Tony Blair is validating Osama bin Laden? It is ridiculous. It is a ridiculous argument. It flies in the face of the facts. It comes down to this: Do we want American troops fighting an Iraqi civil war? Is that what we want these troops for? Is that why we sent them? Do you think, when we voted back in 2002, if we knew there were no weapons of mass destruction, if Saddam were gone, if they were in compliance with other U.N. resolutions, but if there were a raging civil war, do you think we would have voted on the floor of this body to send 150,000, 160,000, 170,000, 180,000 American troops to Iraq to help them settle their civil war? What do you think? I don't think so. We might have sent troops to Jordan. We might have done what we are trying now in Amman and the emirates. We might have beefed up Turkey. We might have accepted to go after al-Qaida sites. But I doubt very much we would vote now to get in the midst of a self-sustaining cycle of sectarian violence, which is what it is. If you want American troops fighting a civil war in Iraq, if you want that, then vote against this resolution, do not vote for it. Do not vote for it.

You say that is not fair; we are not engaged in fighting in a civil war. Has anybody asked themselves the rhetorical question: Why is it that Sadr, who has been responsible for killing a lot of Americans, and his Mahdi army, which has been responsible for killing a lot of Americans, why is it that the Shia-led Mahdi army, particularly in Sadr City, has taken off their uniforms, hidden their weapons, and as of yesterday—I have not checked today—there were rumors that Sadr is no longer in Iraq?

Maybe he is back now. We do not know for sure where he is. Why is it that they took down the blockade? Is it because all of a sudden they turned peace loving?

I respectfully suggest, because inadvertently the 17,500 troops we are surging into the middle of Baghdad, we are surging them into 20-some neighborhoods that are Sunni.

They are bad guys, these former Saddamists, these former Baathists—this insurgency—who were referred to until recently by the Secretary of Defense as “a bunch of dead enders.” I respectfully suggest the reason all of a sudden the Shia in Sadr City are lying low is because they are very happy the United States is doing their job for them, killing their enemy, killing the bad guys who are Sunnis. Does anybody think if we succeed in that mission that all of a sudden we are not going to see all those weapons come out of hiding in Sadr City? Does anybody think that all of a sudden it is going to be safe for Americans in that region? Does anybody think the uniforms aren’t going to come back on and the roadblocks aren’t going to go back up? These folks aren’t dumb. It is not our purpose, but the effect is, we are engaged in this civil war.

The question is, What is the plan to responsibly end our participation in this war without leaving behind chaos, without having traded a dictator for chaos, without having left behind a cycle of self-sustaining sectarian violence that metastasizes in the fragmentation of Iraq and metastasizes in the region—Turkey, Iran, Syria, Saudi Arabia? What is the answer?

So far, I don’t hear a plan. Notice, by the way, now the surge is really getting bumped up, as some of us predicted on this floor when he announced the surge and predicted in our committee, 17,000 people to 22,500, whatever the actual number was initially. Now they are saying they are going to need 30,000 people for the surge. Why? Because it is like squeezing a water balloon. The bad guys have left this area in part, and they have now gone to the province directly outside of Baghdad.

General Keane is a very bright fellow, an honest guy, a former four-star general, who testified before our committee. He came up with the original plan about surging. He said: In order for this to work, you are going to have to surge well beyond Baghdad. You are going to have to go into Anbar Province and beyond. He predicted what would happen.

They said: No, we are only talking about 22,500 troops.

What is the purpose of the surge? The purpose of the surge, we are told—in a humanitarian sense, it makes a lot of sense, except for the humanitarian interest of our troops—is to bring order to Baghdad, stop the killing and the chaos. Why? Because when that happens and they have—I think the phrase used is “breathing room”—when they have that breathing room, what is

going to happen? Then they can negotiate. Then they will sit down and negotiate an agreement among themselves. Has anybody asked the question, What will be the basis of that negotiation? What is the idea? What is the element? What is the political solution?

The President continues to insist on a well-intended but fundamentally flawed strategy. The flawed strategy is, it is possible to have a strong central democratic government. Before we went to war, I believed, and so stated, that there is not going to be a democracy there in any of our lifetimes, including the Presiding Officer, who is considerably younger than most of us. It is not going to happen. It is possible that we could leave behind a country secure within its borders, loosely federated, not a threat to its neighbor and not a haven for terror, but that is as good as it is going to get.

At least one and probably both of my colleagues in the Chamber were here during the Balkan crisis in Bosnia. What does history teach us and what does recent experience teach us? Wherever there is a cycle of self-sustaining genocide, self-sustaining sectarian violence, when in modern history has it ended other than any one of four ways:

One, a victor. They wipe out the other two sides or three sides or one side, and one of the ethnic groups prevails militarily on the battlefield.

Two, occupation by an outside force—the Ottoman Empire, the Persian Empire, the British Empire.

We can’t afford the first to happen because that would have a devastating impact on the region because everybody knows the Sunni states will get more involved. If it goes the other way, the Shia states will be involved in Iran beyond what they are now. That is not a real option. We are not an occupying force. It is not in our DNA. We are not an empire.

The third option historically is a dictator, a strongman. Wouldn’t that be the ultimate irony—us going to Iraq to take down Saddam and restoring a strong man, which, I respectfully suggest, we should consider might happen because eventually we are going to leave and the dysfunctional circumstances in Iraq are as likely to produce a strong military leader to take over as anything else, although there is no individual in sight right now. That is not an option available to us.

What is the fourth historical option? Federation, a federal system, a weak central government within the defined borders of a country that, in fact, gives the warring sectarian parties some control over the fabric of their daily lives, their local police force for their public safety, rules relating to marriage, education. That is the only other option which has ever worked. It doesn’t work perfectly.

What does recent history tell us? Like many here, I was deeply involved in our Balkan policy. As my friend

from Kansas may remember, I, to use the vernacular, beat President Clinton up and about the head to use force in the Balkans. I argued, after encountering Milosevic 2 years before he acted in his office—when he asked me what I thought of him, I said: I think you are a damn war criminal, and I am going to spend my career seeing you tried as one. I came back and wrote report after report, after close to a dozen visits. I saw what was happening in Brcko, in Tuzla, in Sarajevo, in Srebrenica, more sectarian violence in the Balkans from Vlad the Impaler to Milosevic than ever occurred in what is now called Iraq.

So how did we end it? We ended it after they killed several hundred thousand people, mostly women and children. We ended it after we gathered all the neighbors, including Russia, a pro-Serbian force, France, all the nations in the region. We gathered in a room. We brought in the parties who were warring, including Milosevic, Tudjman, Croats, and other leaders representing the Bosniaks. What did we do? We then called the Dayton Peace Accords. What did we do there? We gave much more autonomy to each of those groups than ever was envisioned by what I am proposing.

We set up a thing called the Republic of Serbia in Bosnia with its own President. We had a Bosnian President and we had a Croatian President. For over 10 years, as my friend from Oklahoma can attest, who knows more about force structure than most of us know, there have been over 20,000 on average NATO forces there. To the best of my knowledge, none has been killed in anger with a shot fired.

What is going on in Bosnia today? Was everyone who was ethnically cleansed able to come back to their neighborhoods? No. A lot have. Is there still injustice? Yes. Is genocide continuing? No. What are they doing now? They are debating amending their Constitution to become part of Europe so they can join the EU down the road. We don’t have to go very far for an example.

Let me ask the rhetorical question again: Can anybody name me a time, without empire, dictator or expiring, that self-sustaining sectarian violence within the borders of a country has resulted in a central federal control that is democratic? With all due respect to the President, arguably his dream at the outset made sense. That is why I called 3 years ago for 60,000 to 100,000 additional American forces. That is why I called for the need for at least 5,000 to 6,000 paramilitary police to be sent, because I believed—and I wrote at the time—if the genie ever gets out of the bottle, if we don’t establish order quickly, there is no possibility of stopping a vicious civil war.

Senator HAGEL and I got smuggled across the Turkish border before the war began, and went up to Arbil and met with the Brazani and Talabani clans to discuss with them whether

they would actually be with us if force was used. They had us each speak before the Kurdish Parliament, and they had already written a constitution that was the minimum they would, in fact, insist upon which allowed for significant Kurdish autonomy. They wanted a federal system.

A year ago January, my distinguished colleague from South Carolina and I went to Iraq for what was my sixth time. I have been there since. I don't know how many times it was. We went around and proudly put our fingers in the ink well, demonstrating that this was a free election. We came back and spoke to the President. We were debriefed by the President and his war cabinet. The President said it was a great democratic effort. I presumed to suggest it wasn't a democratic effort, it was a free election. It was a sectarian election. It turns out 92 percent of the vote cast was a sectarian vote. Kurds voted for Kurds. Shia voted for Shia. Sunni voted for Sunni. That is not democracy. Elections do not a democracy make. They are a necessary and ultimate condition to democracy. Democracy is about giving up things, about compromise.

I will never forget what Senator GRAHAM, who has a great facility for words, said as I was trying to explain to the President about the militias—not that he did not know there were militias. After we got finished, the President turned to Senator GRAHAM and Senator GRAHAM said, with a bit of humor: Mr. President, it is kind of like when the recount was taking place in Florida, if the Republicans had their own army and the Democrats had their own army. That is the better analogy.

The genie was out of the bottle, and the genie came roaring out of the bottle when that shrine in the Shia area was devastated and ripped off the Earth.

Let me conclude by saying, it comes down to a simple proposition: Why do we want our troops in Iraq? Is it to fight a civil war or is it to provide a circumstance whereby we do the only thing that can help our interest, to prevent al-Qaida from occupying territory, to train the Iraqi forces, and to protect our troops. To do that we need a lot fewer troops.

Do we want to end this war responsibly? If we do, I respectfully suggest we vote for this resolution. If you prefer the President's plan, which offers no end in sight, I respectfully suggest you should vote against it. But, ultimately, there are a lot of proposals put forward, including the President's, and you have to ask yourself the rhetorical question, I believe: After it is implemented, then what? Then what?

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, it is my understanding on this side we have 18 minutes. I am going to reserve 10 minutes for leadership time. That

leaves 8 minutes I yield to the Senator from Kansas, Mr. BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank the Senator from Oklahoma for the time for debate.

I thank my colleague from Delaware, whom I enjoyed listening to and with whom I enjoyed serving on the Foreign Relations Committee.

I say at the outset, I have been endorsing and speaking often around the country about this notion of a federated system in Iraq, of the need for a three-state, one-country solution, with Baghdad as a federal city, where we have a Sunni area, a Shia area, and a Kurdish region.

I have been in Irbil as well. In the middle of January, I was there. I agree with his analysis of history. When you look at these situations, and you take a big military apparatus off the top of a place such as the former Yugoslavia, or now in Iraq, and then you have these old, ancient hatreds that sit there, how do you deal with them? That is why I think this is a political solution that is right. I agree with my colleague from Delaware about that.

I wish he had not left the floor yet so we could have some discussion on that point because I think, though, that issue would then bode to voting against this resolution because what we are going to need to have is a period of time to get that political machination in place. We are going to need some time and space for Kurds, Sunnis, and Shias to be able to talk together, to be able to talk in an environment where there are not these mass car bombs and assaults and attacks taking place on a sectarian basis—such as took place in Bosnia—so that you can be able to allow the political system to work.

These are not mutually exclusive objectives of having a military apparatus in operation and in place in Iraq while you are pushing forward a very sensible and probably the only political solution that can take place, having an area for Sunnis, Shias, and a Kurdish region—which already exists. I might add this is in the Iraqi Constitution now. This sort of sectarian division of areas is allowed in the Iraqi Constitution. They have even taken the first steps of implementation. The Kurdish area is being operated by the Kurds. The oil revenues, which are being equally—by the last agreement—divided up around the country, are the glue to hold this system together.

This can and should take place. I urge the administration to push this, and even to bring these leaders together in-country or outside of the country to push this form of political solution. But I would add on top of that, that form of political solution would then say: Do not vote for this resolution that sets a timetable under which this must happen because these are things that are going to take some period of time. As my colleague from Delaware noted, we have been in Bos-

nia for the last 15 years putting this in place and holding this in place.

That is the requirement of this, then, so the passions can calm down, the sectarian passions can cool. You are going to need a force in place to see this political solution on through. That is the long-term objective I think we need to look at, this form he is on track to, but that would be in opposition to this resolution that sets a timetable.

I respect his discourse and I respect my colleagues on the other side of the aisle who may look at it differently, but I think we have to look at recent history to tell us this is a logical way that would take place.

Iraq is more three groups held together by exterior forces at the present time—with pressure from Turkey, with pressure from the Gulf States, with pressure—that is not constructive—from a couple of other neighbors, particularly Iran and Syria.

I think we need to recognize that political solution that is there, the exterior forces, and push this political solution in the environment of a more stable military apparatus and military operation.

This resolution, it seems to me, is clearly not a call for victory. Therefore, it must be seen as a call for retreat. Even its supporters do not contend it is a plan for victory. We need to win. They talk about the problems we face, not the solutions we need. But yet there is a middle road here, even, of engaging the Senator from Delaware, his political solution with this military rationale, the military needs that are going to be there that is still in place in Bosnia and is going to be in place for some time in Iraq. We will need a military presence in Iraq for some time to come even to get to that political solution.

We cannot predict how long that presence will be necessary or exactly what type of presence will be required. At the Dayton Accords, did we predict at that point in time it would be for a period of 5 years and no more? No. We said: We are going to help provide the stability so the political solution can take place. We did not put a set date: OK, in 1 year, we will have this few troops; and in 2 years, we will not have any of these types of troops; and in 3 years we will be out. We did not say that. We said: OK, here is a political solution, and we are going to help stabilize this militarily for whatever time necessary to be able to do that.

These solutions need to be brought together, not to be argued separately. I am not calling for an open-ended commitment to Iraq. I am suggesting that our commitment be driven by the mission. We must complete it. We must get this done. We can express opposition to the surge, which I have certainly done. But after doing so, I think we should oversee the implementation of it, not to try to undercut it, nor should we attempt to interrupt a mission just getting underway.

We are looking at this right now. I cannot vote for a plan that would begin a withdrawal of U.S. troops before the surge forces are even fully deployed at this point in time. The 4th Brigade of the 1st Infantry Division, based at Fort Riley, KS, recently arrived in Baghdad. I do not think it would be wise for us to tell those soldiers they should prepare to leave Iraq even before they get their gear unpacked.

Not only do I believe it is inappropriate for us to legislate a timetable for withdrawal, I also believe it is bad policy for us to do this in Iraq.

First, supporters claim the resolution continues the fight against the terrorists by leaving a minimal force in place for counterterrorism operations. But apparently the terrorists are not getting that message. Two days ago, one of the al-Qaida leaders in Iraq used a jihadist Web site to discuss the very resolution we are now debating in the Senate. He said:

The democratic majority in the American Congress announced that the security plan must produce its fruits in the middle of this summer or else they would expedite the departure of the forces at the end of this year.

Can there be any clearer evidence that al-Qaida is ready to wait us out?

In fact, al-Qaida not only approves of a timetable for withdrawal, it is working feverishly to expedite our departure. In the last few weeks, al-Qaida bombings have stood out as obstacles to stemming the cycle of sectarian violence in and around Baghdad. Sunni leaders have become so tired of al-Qaida violence against their own communities that they are turning to U.S. forces for protection. A timetable for withdrawal serves al-Qaida's interests.

For many years now, several of my colleagues on the other side of the aisle have rejected the idea that Iraq is a part—a central part—of the war on terrorism. I believe the statement I just read and others by al-Qaida leaders, the recent al-Qaida-inspired violence, and the Sunnis rejection of that violence should end this discussion. Iraq is unquestionably a key front in the war on terror, and it is essential we prevail against the terrorists in Iraq. If my colleagues are serious about fighting the war on terror, they should frustrate al-Qaida by voting against—against—this resolution.

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

Mr. BROWNBACK. Madam President, I urge for political purposes of stabilizing Iraq, as Senator BIDEN talked about, this resolution be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I understand we have 10 minutes. I wish to retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield myself 6 minutes from the leader's time on our side.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the previous agreement be modified to provide that if any of the resolutions receive 60 votes, the preamble be considered agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Madam President, America's troops deserve our Nation's full support every step of the way—from when they enlist, to when they train, to when they deploy, to when they return home.

Tragically, this administration has failed our troops every step of the way. Today, Democrats are saying enough is enough. We are going to give our troops everything they need, and we are not going to be a rubberstamp for the President's war without end.

I am very proud today to offer the Murray resolution in support of our troops, and I am pleased our majority leader, Senator REID, strongly supports this resolution.

We have been fighting to finally have a debate in the Senate for months. Now we are having that debate, and today we have to do three things: We need to adopt the Murray resolution that says we support our troops every step of the way. We need to reject the Gregg resolution that blindly follows the President. And I hope we pass the Reid resolution that sets a new direction in Iraq.

The Murray resolution I have offered affirms we will provide our troops with everything they need to be safe and to complete their missions. We will provide everything they need in terms of training, equipment, logistics, and funding, and we will provide everything they need when they return home.

Now, some here have a different idea. The Gregg resolution will tie the hands of Congress and would, importantly, leave all decisions to President Bush.

Well, we know how that has turned out. If Congress—we who are elected by our constituents at home—surrenders its voice, we could see our troops being stuck with more of the same—more Americans being stuck in the middle of a civil war and more veterans coming home without the care they need.

We do not need more of the same, in my opinion. We need a new direction. The Murray resolution shows we can have a new direction in Iraq, and we can give our troops all the support they need.

So shortly we will all have a choice: Either you can blindly follow the President or you can say: We—here—are going to stand up to our own responsibility to support our troops, and we can also push for a new direction in Iraq.

Now, the Gregg resolution says we have to support the President. The resolution I have offered says: We—here—have to support our troops.

The Gregg resolution would simply make Congress a rubberstamp for a failed policy. The resolution I have offered says that Congress—us, those of

us elected here in the Senate—have a voice, and we have to use that voice to help our troops.

I suggest to my colleagues if you are happy with the war in Iraq, go ahead and vote for the Gregg resolution. It will keep us locked on the same path.

If you are OK with returning troops waiting months in a crumbling military hold unit—or waiting years for their benefits—then vote for the Gregg resolution and keep us locked on the same path. But if you think our troops do deserve our support and do deserve better, vote for the Murray resolution. If you agree our troops deserve equipment to keep them safe, vote for the Murray resolution. If you agree our troops deserve the training that will help them succeed in their missions, vote for the Murray resolution. If you believe our troops deserve better when they come home, importantly, vote for the Murray resolution. If you believe Congress needs to use its voice and its power to give our country a direction in Iraq, vote for the Murray resolution.

Our troops deserve better than what they have been provided so far. This President sent our troops into battle without the lifesaving armor and equipment they need. This President left our troops on the battlefield without a plan, without a clear mission, and without being honest about the costs—all costs—of the war. This President shortchanged health care and benefits for our returning servicemembers, leaving brave Americans, as we now know, to languish in squalor at Walter Reed and facilities across our country.

Haven't we had enough of that? Didn't Americans send us a clear message last fall that enough is enough? It is time, I believe, for a new direction.

The resolution I have offered recognizes that Congress has a role to play in supporting our troops. We have a voice also to push for a new direction, and we are going to use our power we were elected to use to help the brave men and women who proudly wear the uniform of the U.S. military.

I would say to all of my colleagues today, if you vote against the Murray resolution, you don't really support our troops. Don't vote against our military and don't vote to tie our own hands. Use this opportunity today to tell our troops: We are all here for them and their families; from the time they head off to battle through the rest of their lives, we are there for them. Most of all, I hope the Senate votes to support the Reid resolution so we can change the direction in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I rise to express my strong opposition to the Reid resolution, S.J. Res. 9.

This is a dangerous piece of legislation. It is constitutionally dubious, and it would authorize a scattered band of Senators to literally tie the hands of the Commander in Chief at a moment of decisive importance in the fight

against terrorism in Iraq. I would never doubt the patriotism of my colleagues across the aisle, but I have become increasingly troubled over the last few weeks as this debate has taken shape.

When the President prepared a solution to the growing violence in Baghdad, he had good reason to expect the support of at least some of our friends on the other side of the aisle. The democratic whip, Senator DURBIN, said in late December:

If we need initially some troops in Baghdad to quiet the situation, to make it more peaceful so that our soldiers start coming home, then I would accept it.

That is the assistant Democratic leader not years ago but 3 months ago. Yet as details of the President's proposal to do so became clear, our friends on the other side circled the wagons, and Senator DURBIN got in line. Just 2 weeks—2 weeks—after saying he would support reinforcements as a way of stabilizing Iraq, the Senator from Illinois said:

The proposed surge in troops is a sad, ominous echo of something we have lived through in this country.

Then later on that day he added:

I don't believe that a surge is the answer to our challenge in Iraq.

That is 2 weeks after announcing that it might be a good idea. Would our friend from Illinois have felt the same way if one of his Democratic colleagues had proposed the surge? Increasingly, the troubling answer to this question appears to be yes. Indeed, it is increasingly clear that the only principle guiding our colleagues on the other side is this: If the President proposed it, we oppose it. This is a bad principle in good times. It is an outrageous principle in times of war.

Two months after many Democrats said they would support a surge in troops if it meant stabilizing Baghdad, and incredibly 1 month after sending General Petraeus on his mission to do so, Democrats are now calling for the very thing they have consistently opposed: setting a timetable for withdrawal. This is beyond silly. It is a chaotic embarrassment that threatens to shake the confidence of our commanders and of our troops, and to embolden an enemy that predicted and longed for nothing less. Of course, at some point it is not enough to simply say: If the President proposed it, we oppose it. The principle begs for a counterproposal: What would the Democrats propose instead? We all saw the answer: Seventeen different proposals, many of which contradicting the last, and then finally this, a proposal everyone could get behind, a proposal that sets a date certain for America's withdrawal from Iraq.

This resolution is a clear statement of retreat from the support that the Senate recently gave to General Petraeus; as I have said, its passage would be absolutely fatal to our mission in Iraq.

Senator CLINTON put it well. She said:

I don't believe it's smart to set a date for withdrawal. I don't think you should ever—telegraph your intentions to the enemy so they can await you.

That was Senator CLINTON. Well, "ever" is here, and our friends on the other side of the aisle apparently now think it is a good idea to telegraph our intentions to the enemy. Osama bin Laden and his followers have repeatedly said that the United States does not have the stomach for a long fight. Passage of this resolution will prove Osama bin Laden, regrettably, was right. This is the vote he has been waiting for.

Setting a date certain for withdrawal will please a vocal group of Democratic Presidential primary voters, but it would discourage many others, including many Democrats, who agree that timetables are foolish and dangerous. More importantly, it would discourage our own troops—and this is the most important part about this—who wonder whether we truly support their mission, and it will discourage our allies and the millions of brave Iraqi men and women who have dared to stand with America in this fight.

I will proudly vote against a resolution that sets a timetable that actually announces the date for our withdrawal from Iraq. I will do so for the same reason that many prominent Democrats opposed it up until the day President Bush announced his plan for securing Baghdad 2 months ago.

Republicans have a message for our allies and for our troops, and it is this: We will continue to fight a timetable for withdrawal that has no connection to events or circumstances on the ground. We will give General Petraeus's mission a chance to succeed. We are proud of the work the general has done, and we stand with him until the job is done. We will send this message today when we vote in favor of the Gregg resolution. This resolution pledges us to support the troops and their mission. The Republicans proposed a month ago that we be allowed a vote on this resolution, but we were denied. We are being allowed that vote today, and just as proudly as we will vote against S.J. Res. 9, we will vote in favor of the Gregg resolution.

In one sense, this debate has been academic. Senators will have a chance to show their support for the mission in Iraq when we vote on the supplemental appropriations bill later this month. That is the bill that matters. That is the one that funds the operation in Iraq. But in another sense, this debate was worthwhile because it exposed the principle that appears to guide the opposition: If the President proposed it, we will oppose it. This is no principle at all; it is pure politics. It is unworthy in good times. It is shameful at a time of war.

Meanwhile, the fighting in Iraq continues, and General Petraeus's mission is showing early signs of success. We are told that bomb deaths are down one-third in Baghdad since the new

plan took effect last month. Execution-style slayings are down by nearly half. Traffic has returned to the once empty Baghdad streets.

No one is foolish enough to say this will last. This is not a prediction, but it is a sign of hope, the kind of sign that everyone in this country—Democrat and Republican—has been waiting for. We in this Chamber have a choice: We can fan this flame or we can smother it. By voting on a timetable for withdrawal, we are very decidedly doing the latter. Republicans take the hopeful path today.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

Mr. McCONNELL. I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, whatever time I have left I will add to that leader time.

Madam President, on the eve of the fifth anniversary of this protracted war in Iraq, the Senate finally considers important legislation to direct President Bush to change the course of this civil war. S.J. Res. 9, which is a joint resolution to revise U.S. policy in Iraq, is one I offered. The second vote will be on the Murray resolution expressing the sense of the Senate that no action be taken to undermine the safety of the Armed Forces. Finally, S. Con. Res. 20 is the Gregg resolution on funding for American troops in the field. I will discuss at some length at a later time this afternoon the difference between Murray and Gregg. Suffice it to say the Murray resolution takes care of the troops after battle in addition to while they are in Iraq. It takes care of the situation so we don't have another Walter Reed situation. The Gregg resolution does not cover the troops after battle.

As it relates to S.J. Res. 9, Members will have to consider a choice: Will we continue to support President Bush's failed policy that has our troops bogged down in the middle of a civil war while the enemy who attacked us on September 11 grows stronger or will we stand with the American people in demanding a new direction for this war? This new direction maximizes our chances for success in Iraq and in that part of the world, a new direction that recognizes the current policy has pushed our troops and their families to the breaking point, a new direction which sends a signal to the President that this Congress will hold him accountable and no longer will we rubberstamp his failed policies; a new direction that restores U.S. standing in the world and refocuses our resources on our most imminent threats. My hope is we will stand with the American people, because they are standing with this resolution, S.J. Res. 9. We must have a new direction in Iraq.

Monday will be the beginning of the fifth year of this war, the fifth year of

this war our troops are now mired in, a war in this faraway country. Five years of war, of the President's approach to Iraq, and it is clear it is not working. The country is in a state of chaos. Iraq is in a state of chaos. There literally is no stability. U.S. troops are policing a civil war, a protracted civil war, not hunting and killing the terrorists who attacked us on 9/11. Five years. Five years of war.

The mission has changed. Saddam is gone. There are no weapons of mass destruction. The original mission no longer exists. Five years of war with 3,200 dead Americans, 25,000 wounded Americans, hundreds of billions of dollars spent, \$4 billion a week, a couple of hundred million dollars a day and still no end in sight, according to this President. The American military, the finest in the world, cannot and should not police an Iraqi civil war. General Petraeus's name has been thrown around here as if it is his war. It is not his war. It is President Bush's war. General Petraeus, the commander in Iraq today, recently observed there is no military solution in Iraq. The war must be ultimately won through diplomacy, politically, by forcing Iraq's political factions to resolve their differences.

The key to success in Iraq is not to escalate the conflict by adding tens of thousands of additional troops to march down the same road. Some of these troops have been down the same road as many as four and five times. It is time to find a new way forward and a new way home that gives our troops a strategy to complete the mission and, I repeat, come home.

The Reid resolution will give our troops the best chance to succeed in Iraq and to succeed in the larger war on terror. It will direct the President to change course in Iraq by changing the mission in Iraq. This resolution immediately transitions the mission to training, force protection, targeting counterterrorist operations, and beginning the redeployment of our troops in the next 120 days.

Similar to the bipartisan Iraq Study Group, the goal in my resolution is to remove all combat forces not associated with these missions by the spring of 2008. My resolution also recognizes a comprehensive strategy in Iraq. Phased redeployment shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes Iraq's neighbors and the international community.

S. Res. 107, the Murray alternative to the Gregg resolution, strongly supports our troops but also properly interprets the Constitution by stating that the President and the Congress have shared responsibilities for decisions involving our Armed Forces.

Quoting from the resolution:

The President and the Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for the training, equipment, and other support for troops in

the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility, in addition to the President, to take actions to help our troops and veterans. The Murray resolution says that our responsibility to our troops doesn't begin and end when they are deployed. Supporting the troops means giving them the proper training before they are deployed and ensuring they receive the proper medical and other support when they return home.

Madam President, I suggest that voting no on the Murray resolution is voting to condone what has taken place at Walter Reed. The Murray resolution recognizes that the troops must be taken care of not only when they are in battle but when they get out of battle. If there were ever a picture of what is wrong, look at what happened at Walter Reed. The Murray amendment underscores that.

The people voting against the Murray amendment will be voting against changing what took place at Walter Reed.

The Department of Defense said yesterday in a report they issued—the Pentagon issued—that there is a civil war going on in Iraq now, as we speak. The Pentagon, in their report yesterday, said violence is up, not down. Three soldiers a day are being killed. February was the month of more attacks than at any time during this 5-year war.

Al Maliki, when he met with the President face to face, said get the American troops out of Baghdad. He is the leader of Iraq. General Casey, who was a commander at the time the President suggested the surge, said the surge won't work. This is not General Petraeus's war, it is President Bush's war, and we must change course.

In our resolution, there is a 120-day redeployment, and there will be work on counterterrorism, force protection, and training. Yes, they will also do political and economic strategy, and certainly diplomacy. Our goal is the spring of 2008.

It is easy to talk about sending the troops into battle and supporting the troops. I support the troops. I support the troops, but I don't think that we should spill another drop of American blood in Iraq—not another drop of blood.

I spoke to the mother of LCpl Raul Bravo a week ago today. She is the mother of that 21-year-old boy who was killed in Iraq. It was his second tour of duty. She said that "he is the only man in our family"—her and his three sisters. She said that he was an angel. Her son did his best to learn to speak the language of the Iraqis. She said he said prayers with the Iraqis. His blood should not have been left in that faraway place.

The war has gone on too long. We must change direction in Iraq. We have

given the President chance after chance. We hear that things are getting better. His own Pentagon says it is a civil war. His own Pentagon says it is getting worse. That is what these resolutions are about today.

The Reid resolution says let's change direction in Iraq. The Murray resolution says support the troops at all times. The Gregg resolution takes Congress out of the equation and doesn't do a thing for the troops when they come home.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that following these votes, the Senate proceed to executive session to consider en bloc the following nominations:

Calendar No. 36, John Preston Baily of West Virginia, to be a district judge.

Calendar No. 37, Otis D. Wright, II, of California, to be a district judge.

Calendar No. 42, Thomas M. Hardiman, of Pennsylvania, to be a circuit court judge for the Third Circuit.

Further, I ask unanimous consent that there be 20 minutes for debate, equally divided, under the control of Senators LEAHY and SPECTER or their designees on the three nominations; that when the time is used or yielded back, the Senate proceed to vote on the confirmation of each of the nominations in the above order; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, and I am certainly not going to object, is the majority leader expecting rollcall votes on all three of the judges?

Mr. REID. At the moment, yes, but that can change.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of S.J. Res. 9.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—48

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Pryor
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Corker	Kyl	Thune
Cornyn	Lieberman	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NOT VOTING—2

Johnson McCain

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50. Under the previous order requiring 60 votes for the adoption of this measure, this vote is vitiated, and the measure is returned to its previous status.

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

Mrs. MURRAY. Madam President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. REID. Madam President, with the permission of the Republican leader, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

S. RES. 107

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on Senate Resolution 107, and the Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the Senate is about to vote on the Murray resolution. There should be no question that the Members of the Senate support our troops. We all do. In this resolution, we want to make sure we go on record saying we support our troops from the time they go to battle and are sent on their missions to the time they come home.

We make very clear in the Murray resolution that this Senate will go on record saying the support of our troops extends far beyond their mission in the field. It means when they come home and are sent to Walter Reed or one of our other medical facilities, we will

support them with what they need. It says we will support their families throughout their lifetime, if that is what it takes, for their service to this country.

I hope this is passed on a strong, loud, bipartisan vote.

I yield the floor.

Mr. INHOFE. Madam President, ironically, I agree with the Senator from Washington, although I disagree with the characterization of this resolution.

First of all, the resolution does essentially the same thing the Gregg resolution does. No. 1, the Gregg resolution uses the language that "Congress should not take any action that will endanger United States military forces in the field." That is exactly the same language that is in the Murray resolution: "Congress should not take any action that will endanger the Armed Forces."

The Gregg resolution talks about article II, section 2, of the Constitution, in terms of the President's constitutional powers, and article I, section 8 of the power of Congress; and the Murray resolution does essentially the same thing, except it doesn't cite it. It merely says Congress and the President should continue to exercise their constitutional responsibilities.

So I am going to vote for the Murray resolution and vote for the Gregg resolution. I don't see any difference in them. I think we are supporting the President, and this is the right thing to do.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the resolution.

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—96

Akaka	Cardin	Domenici
Alexander	Carper	Dorgan
Allard	Casey	Durbin
Baucus	Chambliss	Ensign
Bayh	Clinton	Enzi
Bennett	Coburn	Feingold
Biden	Cochran	Feinstein
Bingaman	Coleman	Graham
Bond	Collins	Grassley
Boxer	Conrad	Gregg
Brown	Cornyn	Hagel
Brownback	Craig	Harkin
Bunning	Crapo	Hutchison
Burr	DeMint	Inhofe
Byrd	Dodd	Inouye
Cantwell	Dole	Isakson

Kennedy	Menendez	Shelby
Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Kyl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Obama	Sununu
Leahy	Pryor	Tester
Levin	Reed	Thomas
Lieberman	Reid	Thune
Lincoln	Roberts	Vitter
Lott	Rockefeller	Voinovich
Lugar	Salazar	Warner
Martinez	Sanders	Webb
McCaskill	Schumer	Whitehouse
McConnell	Sessions	Wyden

NAYS—2

Corker Hatch

NOT VOTING—2

Johnson McCain

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

S. CON. RES. 20

Mr. REID. Madam President, it is my understanding there is a minute on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, the Gregg amendment has been changed since it was originally filed. It is still imperfect. I still think, at least from my observation, it is not good, especially in light of the fact that the Murray amendment so clearly defines the necessity of taking care of the troops when they come home. But there is no caucus position on this issue. Senators on this side of the aisle should vote however they feel comfortable. I personally am not going to vote for it because I don't feel comfortable. I believe the resolution leaves a lot to be desired. It can be construed many different ways. It is wrong that we do not take into consideration the injured troops when they come home. My caucus can vote any way they feel appropriate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I am just wondering what the parliamentary situation is. Do I have a minute or was the minute on the other side just used?

The PRESIDING OFFICER. The Senator has a minute.

Mr. GREGG. That was a minute on the other side that was used or was that leadership time?

The PRESIDING OFFICER. Forty-five seconds was used.

Mr. GREGG. I think it is important Members understand what this amendment says, so I am going to read it:

That it is the sense of Congress that Congress shall 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 action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

It is very simple. If you support the troops, you have to support this amendment. In fact, if you supported the Murray amendment, you have to support this amendment unless you changed your mind in the last 30 seconds.

I yield back my time.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—82

Alexander	Dorgan	McConnell
Allard	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brown	Gregg	Roberts
Brownback	Hagel	Salazar
Bunning	Harkin	Schumer
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Cardin	Inhofe	Smith
Carper	Inouye	Snowe
Casey	Isakson	Specter
Chambliss	Kerry	Stabenow
Clinton	Klobuchar	Stevens
Coburn	Kohl	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thomas
Collins	Lautenberg	Thune
Conrad	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Wyden
Dole	Martinez	
Domenici	McCaskill	

NAYS—16

Akaka	Feingold	Reid
Biden	Kennedy	Rockefeller
Bingaman	Leahy	Sanders
Byrd	Menendez	Whitehouse
Corker	Murray	
Dodd	Reed	

NOT VOTING—2

Johnson	McCain
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The concurrent resolution (S. Con. Res. 20) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that 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 action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

EXECUTIVE SESSION

NOMINATION OF JOHN PRESTON BAILEY TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NOMINATION OF OTIS D. WRIGHT II TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

NOMINATION OF THOMAS M. HARDIMAN TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate will proceed to executive session to consider en bloc the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of John Preston Bailey, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright II, of California, to be U.S. District Judge for the Central District of California; Thomas M. Hardiman, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. There is now 20 minutes equally divided for debate on the nominations.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, is the pending business the nomination of Thomas Hardiman to the Court of Appeals for the Third Circuit?

The PRESIDING OFFICER. That is one of the nominations that is pending.

Mr. SPECTER. Mr. President, I urge my colleagues to support Thomas Michael Hardiman for the Court of Appeals for the Third Circuit. He has served on the U.S. District Court for the Western District of Pennsylvania. He has an outstanding academic record. He has a law degree from Georgetown, bachelor's degree from the University of Notre Dame. He started his practice of law in 1990. He has an outstanding record both academically and professionally.

Senator Santorum and I know him personally and can vouch for him. I urge my colleagues to confirm him for the Third Circuit.

I ask unanimous consent that my full statements on the nominees be printed in the RECORD.

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

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF THOMAS MICHAEL HARDIMAN TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Mr. President, I seek recognition today to urge my colleagues to confirm Thomas Michael Hardiman to the Third Circuit Court of Appeals. Judge Hardiman was nominated during the last Congress, and a hearing was held on November 14, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress. President

Bush re-nominated Judge Hardiman on January 9, 2007 and his nomination was reported out of Committee favorably on March 8, 2007.

Judge Hardiman has an impressive resume and strong bipartisan support in the Commonwealth of Pennsylvania. He received his B.A. from the University of Notre Dame in 1987 and his J.D. from Georgetown University Law Center in 1990. He served on the Georgetown Law Journal as an Associate Editor and as a Note and Comment Editor.

After law school, Judge Hardiman joined the Washington, DC, office of Skadden, Arps, Slate, Meagher, & Flom as an associate in their litigation group. In 1992, Judge Hardiman moved to Pittsburgh and joined the litigation group of Cindrich & Titus, which later became Titus & McConomy. In 1996, he was elected partner. In 1999, Judge Hardiman joined the law firm of Reed Smith, also in Pittsburgh, as a partner.

In 2003, Judge Hardiman was nominated to be a U.S. District Judge for the Western District of Pennsylvania. On October 22 of that year, the Senate confirmed him to that position by voice vote. Throughout his legal career, he has taken time to give back to the people of Pennsylvania, most notably through his active involvement in Big Brothers and Big Sisters of Greater Pittsburgh, of which he is a past president.

The American Bar Association unanimously rated Judge Hardiman "well qualified." The vacancy to which Judge Hardiman is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

Lawyers and judges who know Judge Hardiman best believe he is the right choice to succeed for Judge Richard L. Nygaard. Timothy Lewis, a Pittsburgh native and former Third Circuit judge, recently praised this nomination. Judge Lewis, who considers himself pro-choice and a civil rights activist, emphasized the consensus nature of this nomination: He said "[t]his is the perfect opportunity—gift wrapped, signed, sealed and delivered—for both [parties] to work together." He reiterated his belief that "[t]here is absolutely no way anyone is going to find a more moderate candidate who is completely noncontroversial" and that Judge Hardiman "is the quintessential perfect judicial nomination for the 3rd Circuit."

I urge all my colleagues to join me and Senator Casey in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF OTIS D. WRIGHT, II TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Mr. President, I seek recognition today to support the nomination of Judge Otis D. Wright, II of California to be a district court judge in the United States District Court for the Central District of California.

Judge Wright was nominated to the District Court for the Central District of California during the last Congress; however, the Senate did not act on his nomination prior to adjournment of the 109th Congress.

President Bush re-nominated Judge Wright on January 9, 2007. A hearing was held on his nomination on February 6 and the Judiciary Committee favorably reported him to the floor on March 1.

Judge Wright has dedicated much of his life to public service. He is a veteran of the Marine Corps and served for eleven years in the Los Angeles County Sheriff's Department. He also has considerable experience as a prosecutor.

Judge Wright received his B.S. from California State University of Los Angeles in 1976 and his J.D. from Southwestern School of Law in 1980.

Prior to receiving his B.S., he served as a sergeant in the U.S. Marine Corps from 1963–

1969. From 1969 to 1980, including his time in law school, Judge Wright served as a deputy sheriff in Los Angeles.

After law school, Judge Wright took a position as Deputy Attorney General in the Criminal Appeals Section of the California Department of Justice. During his three years in the office, he handled approximately 200 appeals before the Court of Appeals and the California Supreme Court.

In 1983, Judge Wright joined the Los Angeles office of Wilson, Elser, Moskowitz, Edelman and Dicker LLP.

As a partner in the firm, he handled all aspects of insurance law including, drafting of policies and reinsurance treaties, providing coverage options, auditing insurance company claims departments, defending insurance companies in direct actions by insureds for bad-faith, and defending insureds on a wide variety of matters.

On October 28, 2005, Governor Arnold Schwarzenegger appointed Judge Wright to the California Superior Court for the County of Los Angeles. Judge Wright is assigned to the Substance Abuse Court where he handles driving under the influence (DUI) arraignments, pre-trial, motions, and sentencing. He also monitors three drug diversion programs for felony drug possession offenders, including probation violation sentencing hearings.

The American Bar Association has unanimously rated Judge Wright "qualified."

The vacancy to which Judge Wright is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. The people of California will be grateful to see this vacancy filled so that litigants do not suffer from unnecessary delays.

I urge my colleagues to join me in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF JOHN PRESTON BAILEY TO BE A UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Mr. President, I seek recognition today to support the nomination of John Preston Bailey to the United States District Court for the Northern District of West Virginia.

Mr. Bailey was nominated during the last Congress, but a hearing was not held on his nomination in the Judiciary Committee prior to the adjournment of the 109th Congress.

President Bush re-nominated Mr. Bailey in the 110th Congress on January 9, 2007. A hearing was held on the nomination on February 6, 2007 and it was unanimously reported out of the Judiciary Committee on March 1, 2007.

Mr. Bailey is a highly regarded attorney in his home state of West Virginia where his qualifications are well known. He received his Bachelor of Arts degree from Dartmouth College in 1973 and received his Juris Doctorate degree from the West Virginia University College of Law in 1976.

Upon graduating from law school, he clerked for two years in the chambers of Judge Charles H. Haden, II, on the U.S. District Court for the Southern District of West Virginia.

Following his clerkship, Mr. Bailey returned home to Wheeling, West Virginia, to join the law firm Bailey, Riley, Buch & Harman, where he remains today.

Mr. Bailey has had an impressive career as a general practitioner. He has handled a diverse civil caseload ranging from personal injury and mass toxic tort defense to complex construction litigation and bankruptcy matters.

In addition to his civil docket, he has served as the Ohio and Marshal County Assistant Prosecutor. In that capacity he has

handled the full spectrum of criminal matters.

The American Bar Association has rated unanimously Mr. Bailey "Qualified."

The vacancy to which Mr. Bailey is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts, underscoring how pressing it is that we act to fill the vacancy.

I urge my colleagues to join me in supporting this fine nominee.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Pennsylvania said we are considering the nomination of Thomas Hardiman to a seat on the U.S. Court of Appeals for the Third Circuit that has been designated a judicial emergency by the Administrative Office of the U.S. Courts.

In 2003, the Senate confirmed Judge Hardiman to the District Court for the Western District of Pennsylvania at the age of 37. Four years later, and now 41 years old, Judge Hardiman is before the Senate for confirmation to lifetime tenure on the United States Court of Appeals for the Third Circuit. Out of deference to the home state Senators, Senator SPECTER and Senator CASEY, I support this nomination.

I only wish President Clinton's nominees, many of whom had a long record of accomplishment, had received the treatment we are according this nominee. Instead, highly qualified nominees, such as Elena Kagan, now Dean of the Harvard Law School, and Allen Snyder, who served as a clerk to Justice Rehnquist and was an experienced and respected litigator, were left without consideration for years. No questions were raised about their qualifications, as there have been for so many of President Bush's nominations. The fact is that during President Clinton's last two years, Senate Republicans refused to consider more than half of his appellate court nominees. They were just blocked, pocket filibustered with impunity.

Last Congress, we wasted enormous time and energy with controversial nominees. Now, a Democratic Congress has taken a better path and the high road.

Judge Hardiman has been nominated to a seat on the Third Circuit after serving as a Federal district court judge for four years. Before arriving on the bench, Judge Hardiman was a lawyer in private practice, where he worked for 13 years. In 1990, Judge Hardiman began his legal career as an Associate at the law firm of Skadden, Arps, Slate, Meagher & Flom in Washington, DC. From 1992 to 2003, he engaged in the private practice of law in Pittsburgh, PA, first as a partner at the law firm of Titus & Cindrich—now Titus & McConomy, LLP—and later as a partner at Reed Smith, where he specialized in real estate, contracts, securities, and constitutional law.

Judge Hardiman graduated from the University of Notre Dame in 1987, and received his law degree from my alma mater the Georgetown University Law

Center, in 1990, where he served on the Georgetown Law Journal as a Notes and Comments Editor.

I thank both home State Senators for their support of this nominee. I know Senator SPECTER, who has been a strong advocate for Judge Hardiman on the Committee, will welcome his confirmation. I also thank Senator CASEY for his support, and for considering and approving this nominee so quickly after taking office.

With this confirmation, the Senate continues to make significant progress in this Congress on nominations for lifetime appointments to the Federal bench. We continue to put the lie to the alarmist rhetoric of some on the other side of the aisle by proceeding promptly and efficiently.

This session of Congress, the Senate has already confirmed 10 judicial nominations, including the nomination of Norman Randy Smith to the Court of Appeals for the Ninth Circuit. And now the Senate stands poised to confirm a Second Circuit court nomination and will likely have confirmed 13 judges by the end of the day.

The treatment of President Bush's judicial nominees in a Democratic Congress stands in stark contrast to the fate of many of President Clinton's nominees, who were blocked and delayed by the Republican majority. In the 1996 session, a Republican-controlled Senate confirmed only 17 of President Clinton's nominees—this year, we have already reported 15 nominees out of committee in just 3 months. In 1996, not a single judge was confirmed to the circuit courts—not one. This nomination is already the second confirmed this year. In all, more than 60 of President Clinton's judicial nominees were defeated in Senate committees through pocket filibusters and practices that Republicans then abandoned as soon as there was a Republican in the White House.

Regrettably, the Administrative Office of the U.S. Courts lists 50 judicial vacancies, yet the President has sent us only 20 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 22 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means more than two-thirds of the judicial emergency vacancies are without a nominee.

I would rather see us work together in the selection of nominees so that we can confirm judges rather than spend time fighting about them.

I congratulate Judge Hardiman, and his family, on his confirmation today.

NOMINATIONS OF JOHN PRESTON BAILEY AND OTIS D. WRIGHT

Mr. President, now the Senate will consider and, I believe, confirm the nominations of John Preston Bailey for the Northern District of West Virginia and Otis D. Wright II for the Central District of California.

With these two confirmations, both to fill judicial emergency vacancies, the Senate will have confirmed 13 lifetime appointments to the Federal bench so far this year. There were only 17 in the entire 1996 session. I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts.

The Administrative Office of the U.S. Courts lists 48 remaining judicial vacancies, yet the President sent us only 18 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means four-fifths of the judicial emergency vacancies are without a nominee.

Each of the nominations before us today has the support of their home State Senators. And I thank Senators BYRD, ROCKEFELLER, FEINSTEIN, and BOXER for their support of these nominations.

John Preston Bailey has been nominated to the Northern District of West Virginia, a seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. Mr. Bailey is a graduate of Dartmouth College, and he obtained his law degree from West Virginia University where he graduated with honors as a member of the Order of the Coif and the West Virginia Law Review. After law school, Mr. Bailey served as a law clerk to Judge Charles H. Haden II, a U.S. District Judge of the Northern and Southern Districts of West Virginia.

In his legal career, Mr. Bailey has worked as an assistant prosecuting attorney for Ohio County, WV, and special assistant prosecuting attorney for Marshall County, WV. He currently is a partner at the Wheeling, WV, law firm of Bailey, Riley, Buch and Harman, L.C., where he has worked since 1978.

Judge Otis D. Wright II has been nominated to the Central District of California, another seat designated a judicial emergency. Judge Wright is a judge on the Superior Court of California, a court with one of the largest caseloads in the country. Before coming to the bench, Judge Wright worked for 22 years as a civil litigator at the Los Angeles law firm of Wilson, Elser, Moskowitz, Edelman and Dicker LLP, and 3 years as a deputy attorney general for the California Department of Justice. He graduated from California State University and received his law degree from Southwestern School of Law.

Judge Wright's story has been a march toward the American dream. As an African American born in Tuskegee, AL, Judge Wright rose above the travails and barriers posed by a Jim Crow segregated society to serve his country

as a U.S. marine, a deputy sheriff in the Los Angeles County Sheriff's Department, a State government attorney, a partner at a Los Angeles law firm, and a judge on the State bench. Today this great American story includes confirmation to a lifetime appointment on the Federal bench.

I am pleased one of the two nominations before us is an African American. I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Racial diversity remains a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially. Judicial decisions should reflect insight and experiences as varied as America's citizenry. A more representative judiciary helps cultivate public confidence in the judiciary which strengthens the independence of our Federal courts.

A more representative judiciary also strengthens the fabric of our democracy. As we were reminded earlier this year, while honoring the life of Dr. Martin Luther King, Jr., the promise of our democracy lies in building a nation more inclusive of all Americans.

The nomination before us today represents an important step toward achieving that promise. I am pleased that, if confirmed, Judge Wright would become the 90th African-American judge currently on the Federal bench.

But there is still much work to be done. In 6 years, President Bush has nominated only 18 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. He has yet to appoint an African-American judge from Mississippi even though that State has the highest percentage of African-American residents of any State.

Our Nation has highly qualified individuals of diverse heritages who would help to unify our Nation while adding to the diversity of our courts. I hope the President will send us more consensus nominees that reflect the rich diversity of our Nation.

I congratulate the nominees, and their families, on their confirmations today.

NOMINATION OF OTIS D. WRIGHT

Mrs. FEINSTEIN. Mr. President, it is my pleasure to support Judge Otis Wright, a distinguished nominee to the U.S. District Court for the Central District of California.

Judge Wright is nominated to a seat that has been designated as a judicial emergency. The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation.

When this Congress began, there were five vacancies on this court more than twice as many as in any other judicial district in the country.

I am pleased that the Senate has already confirmed two new judges for the Central District this year, and I thank Chairman LEAHY for moving the California judicial nominees quickly.

Judge Wright is a graduate of California State University at Los Angeles and of the Southwestern School of Law.

After graduating from law school, Judge Wright was a deputy attorney general in the California Department of Justice for 3 years. During that time he specialized in criminal appeals.

He went on to join the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, where he became a partner during a career that spanned more than 20 years. He practiced civil litigation in many areas, with a particular focus on insurance coverage litigation.

While in private practice, Judge Wright was a volunteer attorney with the HIV AIDS Legal Services Alliance. His work on behalf of those with HIV and AIDS included housing and employment discrimination cases, as well as preparing wills for the terminally ill.

Judge Wright's public service has not been limited to his legal career: he was a deputy sheriff in the Los Angeles County Sheriff's Department while attending college and law school, and before that he served in the U.S. Marine Corps and the Marine Corps Reserves.

He is one of only 16 African Americans who have been nominated to be federal judges in the 6 years that President Bush has been in office. During the first 6 years of the Clinton presidency, by contrast, 53 African Americans were nominated. Judge Wright will be a welcome addition to the bench.

In California we have developed a bipartisan process known as the Parsky Commission for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to say that Judge Wright was recommended by the Parsky Commission. This gives me confidence that he comes to the bench without an ideological agenda and prepared to serve all the people of California.

I urge my colleagues to vote in favor of Judge Wright's nomination.

NOMINATION OF JOHN PRESTON BAILEY

Mr. BYRD. Mr. President, I am pleased to speak today in support of an esteemed colleague, a fine West Virginia lawyer named Mr. John Preston Bailey. Mr. Bailey hails from the beautiful city of Wheeling, WV. John Bailey has been nominated by the President for a seat on the Federal bench in the Northern District of West Virginia.

Mr. Bailey is a splendid choice for this judgeship. He is senior partner at the firm of Bailey, Riley, Buch and Harman. Not only is Mr. Bailey well-versed in administrative law, he is also a successful litigator, competent in both civil and criminal litigation.

John Bailey graduated from West Virginia University's College of Law in 1976, where he was a member of the West Virginia Law Review. He was admitted to the State Bar of West Virginia that same year and clerked for 2 years thereafter with the Honorable Charles H. Haden II, who, at that time, was the U.S. district judge for both the Northern and Southern Districts of West Virginia.

Mr. Bailey is extremely well qualified to be confirmed as a Federal judge. He worked as an assistant prosecuting attorney in the mid-1980s, and he served as chairman of the Workers' Compensation Appeals Board in West Virginia from 1985 to 1991. He sat on the executive council of the West Virginia Bar Association for 6 years and was elected to be president of that association in 1992. He was thereafter elected and served as president of the West Virginia State Bar from 2003 to 2004. Before that, he served as vice president of the state bar and as a member of the bar's Board of Governors.

More recently—in fact, just last year—he was also bestowed the honor of “Fellow” by the West Virginia Bar Foundation. In bestowing that honor upon Mr. Bailey, Tom Tinder, the executive director of the West Virginia Bar Foundation, stated that Mr. Bailey is a “true leader” of his community. John Preston Bailey has been a member of the Order of the Coif, the Order of the Barristers, a member of the Moot Court Board, the Ohio County Bar Association, the West Virginia Trial Lawyer Association, and a member of the National Association of Criminal Defense Attorneys.

I can attest to the fact that Mr. Bailey comes highly recommended by West Virginians of varying legal viewpoints. He is a smart, independent thinker. He is hard working. He has had over 30 years of experience as a licensed attorney. As a result, he recognizes the solemn responsibility with which a Federal judge is charged. He must interpret—impartially, and with proper contemplation of, and respect for, the three, separate branches of our Government—provisions that have been approved by the Congress and signed into law the President.

Mr. Bailey has an excellent reputation and a keen intellect. Based on my understanding of Mr. Bailey's character and impressive credentials, I believe that he will make a fine Federal judge. For all of the reasons that I have mentioned, I am pleased to urge my colleagues to support his nomination to be a U.S. district court judge for the Northern District of West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the majority leader for moving expeditiously to move the confirmation for John Preston Bailey to be a judge on the U.S. District Court for the Northern District of West Virginia. I thank Judiciary Committee Chairman LEAHY and Ranking Member SPECTER

for reporting this nomination to the full Senate, and I commend Mr. Bailey to my colleagues as exactly the type of nominee we should all support for seats on the Federal bench.

John Bailey did something somewhat unusual after he earned his degree from Dartmouth College. He came back. He defied a longstanding trend of our best and brightest young men and women leaving to seek their fortunes and not returning. He went on to earn his law degree from the School of Law at West Virginia University and then served as a law clerk for the Honorable Charles Haden II. Judge Haden was a Republican and a Ford appointee but was also a good friend to this Senator. He was a fair and decent man widely respected for his intellect and his diligent efforts to arrive at the correct outcome. I can only hope that John Bailey chooses to emulate his former mentor, Judge Haden. Knowing what I know of John Bailey, he will, and West Virginians will benefit.

Lawyers in West Virginia have a great deal of respect for John Bailey. He has served the West Virginia legal community as president of the West Virginia State Bar and the West Virginia Bar Association and was a member of the Board of Governors of the West Virginia Trial Lawyers Association. Some West Virginia lawyers and judges I have known for many decades believe John Bailey will be a very capable judge because he is a great lawyer. He takes the facts as he finds them and does not come to the table with preconceived notions as to what the outcome should be. Those traits, along with a first-rate intellect and solid educational and work credentials, make up the formula for the kind of judicial nominee we all hope to see come to the Senate from Presidents of both parties.

I yield back the remainder of my time and ask for the yeas and nays on the Hardiman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, a very brief supplemental comment: Judge Hardiman has been on this bench since 2003. He received a unanimous “well qualified” rating from the American Bar Association.

I ask unanimous consent that the following information be printed in the RECORD.

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

THOMAS MICHAEL HARDIMAN—UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth: July 8, 1965, Winchester, Massachusetts.

Legal Residence: Pennsylvania.

Education: B.A., University of Notre Dame, 1987, Notre Dame Scholar; J.D., Georgetown University Law Center, 1990, Associate Editor and Notes & Comment Editor, Georgetown Law Journal.

Employment: Associate, Skadden, Arps, Slate, Meagher & Flom LLP, 1990-1992; Associate, Titus & McConomy LLP, 1992-1996,

Partner, 1996-1999; Partner, Reed Smith LLP, 1999-2003; Judge, United States District Court for the Western District of Pennsylvania, 2003-Present.

Selected Activities: Delegate, American Bar Association House of Delegates, 1996-1998; Fellow, Academy of Trial Lawyers of Allegheny County; Member, Pennsylvania Bar Association, Member Professionalism Committee, 1999-2003; Member, American Inns of Court, University of Pittsburgh Chapter; Volunteer, Big Brothers Big Sisters of Greater Pittsburgh, Inc., Director, 1995-Present, Past-President, 1999-2000; Member, Federalist Society; Treasurer, Republican Committee of Allegheny County, 2000-2003

Mr. LEAHY. We yield back all of our time.

Mr. SPECTER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Hardiman, of Pennsylvania, to be U.S. circuit judge for the Third Circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHN-SON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 78 Ex.]

YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

NOT VOTING—5

Allard	Durbin	McCain
Cochran	Johnson	

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN PRESTON BAILEY

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia?

The nomination was confirmed.

VOTE ON NOMINATION OF OTIS D. WRIGHT II

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otis D. Wright II, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 896 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

FAMILY-BASED METH TREATMENT ACCESS ACT

Mr. DURBIN. Mr. President, substance abuse continues to claim victims, destroy families, and eat away at communities. Today, many communities in Illinois and across the country are struggling with the methamphetamine epidemic. Drug treatment centers in Illinois report an explosion in the number of people entering treatment for meth addiction. Public drug treatment providers have seen a 73 percent increase in meth treatment admissions in the last decade. Meth is having a particularly dire effect on families, tearing them apart and overwhelming our child welfare network. In 2004, more than half of the children en-

tering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Meth use among adult women has very real and tragic implications for child safety, foster care, and family breakups.

It is the stories of these mothers that paint the real picture of the disease of addiction. Last week, I met an amazing woman and mother whose story clearly represents the need for family-based treatment services. Imani has been in recovery from drug addiction for over 5 years. Before that, she was in and out of treatment programs, making six consecutive attempts to break the addiction. She fought to find a treatment program that would meet her needs as a mother of three young children. While she was using and bouncing between failed attempts, she became pregnant with a fourth child. With four children and dwindling hope, she made one more stab at sobriety.

Imani found an addiction and treatment center that offered a family-based approach to treatment services. Five years later, Imani is sober, living happily with her children, including her fourth child who is now a healthy young boy and is currently on his school's honor roll. Today, she advocates on behalf of other recovering mothers and the importance of family-based treatment services.

As we identify new methods to combat the disease of addiction, we must consider the specific needs of families. When mothers seek out treatment to heal from their addiction, they face a difficult battle. The world of substance abuse treatment is not designed with the needs of families in mind, and though the general programs may be successful for single men and women, families struggling with substance abuse issues find few opportunities to find treatment and recovery.

Family-based treatment centers combine substance abuse recovery with mental health counseling, medical treatment, parenting, education, and legal services. These programs provide essential assistance to the entire family, rather than just the parent, and have proven to be extremely effective. Studies consistently show that family-based treatment increases long-term sobriety, educational enrollment, and gainful employment, along with decreased criminal activity and child development delays. Addressing the meth crisis through a comprehensive family-treatment approach provides a cost-effective alternative to incarceration and foster care and yields consistently positive outcomes in child well-being, family stability, and lower recidivism rates. A Substance Abuse and Mental Health Services Administration, SAMHSA, evaluation of family-based treatment programs in 2003 revealed that 60 percent of the mothers remained sober 6 months after discharge.

Family-based treatment acknowledges the important connection between a mother and her child. Many

women cannot successfully go through substance abuse and mental health counseling if their children are excluded. More importantly, no woman should ever be forced to make that choice.

This is why I am proud that yesterday, Senator COLEMAN and I joined to introduce the Family-Based Meth Treatment Access Act of 2007. This bill will expand, intensify, and coordinate efforts to provide comprehensive, family-based substance abuse treatment for methamphetamine addiction. Our bill will provide additional funding for the Center for Substance Abuse Treatment to award grants to programs that provide comprehensive, family-based substance abuse treatment for pregnant and parenting women. Throughout our entire Nation, there are only about 80 known family-based treatment centers. Two, the Women's Treatment Center and the program at Haymarket Center are in the State of Illinois. These grants will strengthen the work of these centers and provide opportunities for other centers to extend their services to additional mothers and their children.

The Family-Based Meth Treatment Access Act also gives priority to programs serving rural and mental health professional shortage areas affected by high rates of meth addiction. The State of Illinois knows far too well the impact that the meth epidemic has had on our communities, especially those in rural areas. We need to strengthen services where the epidemic has made the biggest impact on the health of women and their children and where family-based treatment services are not readily available.

Finally, the bill provides assistance to organizations that help nonviolent offenders overcome their drug addiction. Many organizations provide comprehensive, family-based substance abuse treatment services to nonviolent offenders as an alternative to incarceration. These services are a successful model for the road to recovery and give families hope for the future. They are cost-effective and they yield consistently positive outcomes.

Family-based treatment services are a proven method for recovery for women with children, and we should make these programs available everywhere. Imani is just one example of the success of family-based treatment. I invite my colleagues in the Senate to support the Family-Based Meth Treatment Access Act and to make this successful reality possible for other recovering mothers and their children.

COMMERCE PROVISIONS IN S. 4

Mr. STEVENS. Mr. President, I thank Senators LIEBERMAN and COLLINS for working with the Commerce Committee to include important security measure in the bill that passed the Senate yesterday. And, I thank my longtime friend Senator INOUE for his willingness to work in committee and

on the Senate floor on a bipartisan basis to develop and pass these measures.

We have made tremendous strides to secure our Nation since the horrific attacks of September 11, particularly with respect to the security of our Nation's transportation systems, and ensuring interoperable communications needed most during times of crisis.

As the debate over this bill demonstrates, our job is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we must not become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which have been included in S. 4 will significantly enhance the ability of the Department of Homeland Security DHS, and the Transportation Security Administration TSA, to fulfill their missions. These provisions were developed by the Commerce Committee while Mindful of the delicate balance between implementing tough security measures and the effect such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated into S. 4 were reported by the Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations, and provide TSA with additional tools to carry out its layered approach to security.

To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last Year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the U.S. by sea be screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent, is designated for domestic passenger carriers.

Screening is particularly important in Alaska. Anchorage is the No. 1 airport in the U.S. for landed weight of cargo, and it is No. 3 in the world for cargo throughput. Our provision requires TSA to develop and implement a system to provide for the screening of all cargo being carried on passenger aircraft.

To address on-going concerns about passenger prescreening procedures, the legislation requires DHS to create an office of appeals and redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the no-fly or selectee watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances, but also upon

improved security screening techniques employed by the TSA screeners, as well as the use of very effective canines. This legislation calls for TSA's national explosives detection canine team to deploy more of these valuable resources across the Nation's transportation network.

Mr. President, the bill passed by the Senate today also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which also was developed and reported on a bipartisan basis by the Commerce Committee.

While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our surface transportation network presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based on risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last Congress, as well as in the 108th Congress. Each time, however, the House of Representatives has not found the need to address rail, pipeline, motor carrier, hazardous materials, and over-the-road bus security. The time has come to get these provisions to the President's desk.

The substitute also contains the provisions of the Commerce Committee-reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters and emergency medical response personnel throughout the country need help achieving interoperability.

With this \$1 billion program that helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long.

The legislation addresses the public safety issues that have been brought to the Commerce Committee's attention. It also creates a \$100 million fund to establish both Federal and State strategic technology reserves that will restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

Added as amendments to the bill were a number of additional Commerce Committee items, for which I thank the managers of the bill, as well as Chairman INOUE for their support.

Included among those provisions was a measure that represents an important step forward for public safety because it approved the 9-1-1 modernization Act, which was reported last month by the Commerce Committee. I

offered this measure with Senators CLINTON, INOUE HUTCHISON, SNOWE, SMITH, and VITTER.

The amendment provides advanced borrowing authority so that \$43.5 million can be made available for 9–1–1 upgrades which are desperately needed throughout the country—especially in rural America. Congress previously allocated these funds in the digital television transition legislation, but without the borrowing authority language, public safety would have to wait until after the digital transition auction before they could receive these important funds.

Also added was an amendment sponsored by Chairman INOUE that I co-sponsored that establishes a national registered armed law enforcement program for law enforcement officers who need to be armed while traveling by air. This law enforcement provision builds upon mandates in the Intelligence Reform Act of 2004.

An additional amendment was sponsored by Chairman INOUE with my sponsorship that enhances the canine provisions in the underlying bill by expanding the national explosives detection canine team training program. Beyond increasing the training capacity at the current facility at Lackland Air Force Base as provided in the underlying bill, the amendment adopted would require DHS to explore options of creating a standardized TSA-approved canine program that private sector entities could utilize to meet the ongoing need for canines.

We must not politicize national security. The Commerce Committee initiatives included in the pending bill were achieved only because of bipartisan support. I am pleased that the development and passage of the bill was conducted by the bill managers in that same spirit. And while some provisions contained within the bill need to be further developed—as many of our colleagues have highlighted over the past few weeks—I voted in favor of the bill as I support the preponderance of its contents.

NATIONAL AWARD FOR PASSING MOST LOCAL SMOKEFREE LAWS

Mr. DURBIN. Mr. President, I rise to commend the great State of Illinois for receiving the National Award for Passing Most Local Smokefree Laws in 2006. This honor was awarded to Illinois by the national organization Americans for Nonsmokers Rights.

Last year, a recordbreaking 36 Illinois cities and counties enacted smokefree laws, more than any other State in the Nation. In doing so, Illinois has taken a firm stance against the devastating consequences that smoking has on our communities.

The 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that smoking rooms and ventilation systems cannot protect people from secondhand smoke. The re-

port reaffirmed previous health findings that secondhand smoke causes heart disease, cancer, respiratory problems, and even death.

I am honored to acknowledge the tireless efforts of public health advocates and State legislators who helped make it possible. Before 2005, Illinois communities were preempted from passing local laws. Now, the local community has the right to deal with this important issue and help improve the health of millions of Illinoisans. The following communities have enacted smokefree laws in the State: Arlington Heights, Barrington, Bedford Park, Bloomington, Buffalo Grove, Burr Ridge, Champaign, Chicago, Cook County, Deerfield, DeKalb, Elk Grove Village, Evanston, Hawthorn Woods, Highland Park, Hinsdale, Hoffman Estates, Lake Forest, Libertyville, Lincolnshire, Lindenhurst, Long Grove, McLean County, Mt. Prospect, Normal, Northbrook, Oak Forest, Oak Park, Orland Park, Palatine, Park Ridge, Rolling Meadows, Sangamon County, Schaumburg, Skokie, Springfield, Tinley Park, Urbana, Vernon Hills, Wheaton, and Wilmette.

Again, I extend my deepest congratulations to the citizens of Illinois, who now can breathe a little easier.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to discuss the importance of the need to reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This act expired September 30, 2006, and now over 700 counties and 4,400 school districts in 39 States are in financial limbo.

In simple terms, this means that 8 million kids in rural America are going to be impacted by Congress's inaction. This is simply unacceptable.

I have been joined by several of my colleagues in introducing, S. 779, a simple one year reauthorization. This measure would provide some certainty to the impacted counties and schools while Congress works to address the larger issue of a multiyear reauthorization.

It is clear to me that the safety net payments need to continue, but in a manner that encourages and focuses on building collaboration—one of the cornerstones of this act.

For my colleagues who are unfamiliar with this issue, let me quickly review how the Congress got to this point.

In 1992, Congress provided some counties in the Pacific Northwest with a temporary financial "safety net" to help them transition from the timber boom years of the 1980s.

The safety net was scheduled to gradually phase out over a 10-year period, but demands for a more inclusive program resulted in its early termination and the enactment of another

temporary program, the Secure Rural Schools and Community Self-Determination Act of 2000.

This act was designed to allow counties an opportunity to transition back to the traditional revenue sharing programs.

The temporary safety net was originally recommended to Congress by the National Forest County Schools Coalition.

One of the Coalition's principles States that special payments to States under this legislation will provide a short-term safety net with a specific termination date.

The county payments program dramatically broadened the geographical and substantive scope of the original safety net payment.

The large majority of the funds still were focused on the Pacific Northwest, but the new national program permitted most States and counties across the country to participate and benefit from it thus, providing a measure of financial certainty to all counties that rely on revenues from Federal forest lands.

The act has been an enormous success, not just achieving but surpassing the goals of Congress.

This act has restored programs for students in rural areas and prevented the closure of numerous isolated schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to those enjoyed by suburban and urban students.

Next, the act has allowed rural county road districts to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced, and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs, have been formed.

Nationally, these 15-person diverse RAC stakeholder committees have studied and approved more than 2,500 projects on Federal forestlands and adjacent public and private lands.

These projects have addressed a wide variety of improvements drastically needed on our public lands. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

RACs are a new and powerful partnership between county governments and the land management agencies.

They are rapidly building the capacity for collaborative public land management decision making in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

In the future, I feel the RACs will be providing the leadership to build consensus for projects that will keep our

forests healthy and as a result generate revenue for future projects, counties, and schools.

The achievements of this act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our public lands.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost.

Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children.

Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Congress needs to act now in order to ensure a future for rural schools and counties.

ZIMBABWE

Mr. OBAMA. Mr. President, the events of the last few days in Zimbabwe are outrageous and warrant universal condemnation. It is time for the government of Robert Mugabe to cease its repressive and divisive actions and to allow Zimbabweans to pursue their hopes for legitimate political change and opportunity.

Since Sunday, the world has watched with horror and outrage as the Mugabe government has cracked down on legitimate opposition, detained 50 Zimbabweans attending a peaceful prayer meeting outside of Harare, and brutalized opposition leaders and ordinary citizens alike.

A protestor was shot and killed. Morgan Tsvangirai, the leader of the Movement for Democratic Change, has been badly beaten and suffered severe head injuries. Lovemore Madhuku, the leader of the National Constitutional Assembly, reportedly has a broken arm and numerous other wounds. Many of their colleagues in opposition remain in Harare hospitals.

The Government has responded to the outrage prompted by these attacks on human rights and legitimate expression with characteristic bluster. Once again, we are told that the opposition is to blame. Once again, we hear ominous warnings that the opposition is "set to pay a very heavy price, regardless of who they are." Meanwhile, the true cause of the strife—President Mugabe's disastrous rule—remains unaddressed. To the dismay even of his own party, he has declared his intention to run for a new term in office in 2008.

These events are shocking, but sadly they do not come as a surprise. For years, it has been increasingly apparent that the Mugabe government is interested only in its own survival and enrichment, not the welfare of the peo-

ple of Zimbabwe. International observers—including the United States—concluded that the Presidential election of 2002 and the parliamentary elections of 2005 were not free and fair.

The State Department reported just last week in its country report on human rights in Zimbabwe that: "The government engaged in the pervasive and systematic abuse of human rights. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government."

Meanwhile, the Government's corruption and mismanagement has brought the Zimbabwean economy to the brink of ruin. Estimates place inflation at a world high of 1,700 percent, and the IMF forecasts that this could pass 4,000 percent by the end of the year. Unemployment stands at 80 percent. Poverty rates are soaring. Zimbabwe's economy is shrinking faster than any other country in the world that is not at war.

I am heartened, though, that this political and economic deterioration has been met with growing calls for change.

Within Zimbabwe, the opposition to Mugabe is showing resilience and courage. Factions of Mugabe's own party have indicated that they want a transition in 2008, and ordinary citizens are increasingly voicing their hopes for a new chapter.

Beyond Zimbabwe, frustration with the Mugabe government is mounting. The head of the African Union has expressed his embarrassment at the situation in Zimbabwe. South Africa and the Southern African Development Community, which have been slow to criticize Zimbabwe in the past, seem to be losing patience. The United States, European Union, and the United Nations were swift in condemning this latest outrage and have been consistent in their calls for change.

The United States must continue to stand strongly against the Mugabe government's abuses of power in Zimbabwe. We must join with our European allies, the United Nations, and—most importantly—the countries and institutions of the region to press for positive change in Zimbabwe. That means a peaceful democratic transition in 2008 and support for economic growth and opportunity—including the lifting of sanctions—once the dark cloud of Mugabe's rule is lifted and Zimbabweans are able again to reach for the new horizon they deserve.

I call on President Mugabe to immediately release all political detainees and repeal the ban on political rallies, to end the use of violence and torture in the jails, permit a free media and abide by the rule of law. His government must also urgently address the humanitarian crisis that has put the mass of his population in dire need of assistance.

Zimbabwe is a nation rich in history and rich in resources. Its talented people have known great hardship just as they have achieved great heights. When Robert Mugabe became President

over a quarter century ago, there was great hope. Zimbabwe had emerged from British rule, claiming its freedom and its future for itself.

Sadly, the freedom and opportunity for which Zimbabweans fought have been eclipsed in the last decade by repression and uncertainty. Instead of peaceful self-determination, we see Zimbabweans intimidated and beaten in the streets. Instead of the responsible management of Zimbabwe's state institutions, we see state-sanctioned corruption, violence, and property seizures. Instead of economic self-sufficiency, we see what was once one of Africa's most promising economies in a free-fall.

Yet I am confident that the people of Zimbabwe will once again claim for themselves a better future. As they seek to hold their leaders accountable, as they try to rebuild their lives and their country, they must know that they have a strong and steady friend in the United States. The events of the last few days—and the Mugabe regime—must belong to the past, and the United States must work with the international community to help all Zimbabweans forge a better future.

ADDITIONAL STATEMENTS

RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC.

• Mr. AKAKA. Mr. President, I offer my congratulations to Maui Economic Opportunity, Inc. for 42 years of outstanding community service. A private, non-profit organization dedicated to helping individuals and families in need, MEO was chartered as a community action agency on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964.

For more than four decades, MEO has served the people of Maui, Molokai and Lanai through a number of poverty fighting initiatives. By providing employment training and placement, business education for low income entrepreneurs, and micro-enterprise loans, MEO has helped countless citizens get back on the path to financial independence.

Moreover, MEO has helped citizens lead fuller, richer lives by providing housekeeping for seniors, allowing them to remain in their homes, and providing specialized transportation for seniors, persons with disabilities and children to doctor's offices, grocery stores, and schools. In addition, they have helped former inmates reintegrate and become productive members of the community.

The hard work and dedication of Maui Economic Opportunity's staff and volunteers have earned national recognition by receiving the prestigious Excellence in Community Action award from the Community Action Partnership. To this I would like to

add my sincere appreciation for the tireless efforts of these men and women for their continued advocacy on behalf of those in need of a helping hand.●

RETIREMENT OF DR. STEPHEN JOEL TRACHTENBERG

● Mr. INOUE. Mr. President, I want to pay tribute to an exceptional man who is retiring in July, after 19 years of impeccable service to the George Washington University, GW.

Stephen Joel Trachtenberg, 68, became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, President Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, the juris doctor from Yale University in 1962, and the master of public administration degree from Harvard University in 1966. In 1968, he was selected as a Winston Churchill Traveling Fellow for study in Oxford, England.

He came to GW from the University of Hartford, Connecticut, where he had been president for 11 years. Before assuming the presidency of Hartford, President Trachtenberg served for 8 years at Boston University as vice president for academic services and academic dean of the college of liberal arts. Earlier, in Washington, DC, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He has been an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

Just a few of the highlights in his career include the following: President Trachtenberg was named one of the top 100 leaders in the American Academy in a 1978 *Change* magazine poll. He received a 1987 Human Relations Award from the National Conference of Christians and Jews. In 1988, the Connecticut Bar Association honored him with its Distinguished Public Service Award, and he was recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992, he received the Hannah G. Solomon Award from the National Council of Jewish Women. In 1993, the Washington, DC, Urban League named him "Father of the Year." And in 1992 and 2007, he received the Martin Luther King, Jr. Awards.

President Trachtenberg has served the GW community as a drum major for change and has led by example a commitment to public, civic, and personal service. Throughout the years, he has worked tirelessly in honoring and enhancing the symbiotic relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for reinvention, change, and civic engagement. He has worked successfully for almost two decades to propel GW further into the first ranks of world-class institutions of higher learning.

As a result of President Trachtenberg's efforts, the number of

applications for undergraduate admission more than tripled, from 6,000 in 1988 to almost 20,000 in 2006, while the university's acceptance rate of these applicants was reduced by two-thirds. President Trachtenberg made financial aid for students a priority so that today the university offers nearly nine times, \$113 million, as much financial aid to incoming students as was offered in 1988.

It can confidently be said that the university's faculty now comprises experts on topics ranging from administrative law to zoology and contribute to scholarly journals, law reviews, and media outlets on a regular basis. The university's sponsored research enterprise has quadrupled from \$33 million in expenditures in 1988 to \$132 million in expenditures in 2006. Through President Trachtenberg's efforts, GW has significantly upgraded its information technology and library system which now contains more than 2,000,000 volumes and is a member of the prestigious Association of Research Libraries.

Under President Trachtenberg's unprecedented leadership, the university robustly developed academic, residential, and recreational facilities on campus—including the opening of the Media and Public Affairs Building and the establishment within of the Luther W. Brady Art Gallery in 2001, the Annette and Theodore Lerner Health and Wellness Center in 2001, GW Hospital in 2002, 1957 E Street, the new home of GW's Elliott School of International Affairs and Geography Department in 2002, and Ric and Dawn Duques Hall, the new home of GW's Business School in 2006—in a way that served the institution's scholarly and other programmatic needs while respecting the interests of its Foggy Bottom neighbors.

President Trachtenberg's commitment to the enhancement of academic and other space on campus supported the renovation and expansion of the law school complex, begun in 2000 and completed in 2006, the renovation of Morton and Norma Lee Funger Hall, dedicated in February 2006, and improvements of the Cloyd Heck Marvin Center including the addition of the Marc C. Abrahms Great Hall, dedicated in December 2002, and the renovation of J Street dining facilities, opened August 2004.

President Trachtenberg also spearheaded a campus beautification effort that transformed a series of city streets into a cohesive and vibrant urban campus with the addition of the Mid-Campus Quad, Kogan Plaza, pocket parks, and outdoor sculptures.

President Trachtenberg presides over the District of Columbia's largest private employer. And to support all the foregoing, President Trachtenberg oversaw two decades of balanced budgets, and the increase in the university endowment from \$200 million in 1988 to more than \$1 billion in 2007.

In 1989, President Trachtenberg created the 21st Century DC Scholars Pro-

gram, now the Stephen Joel Trachtenberg Scholars, which has granted almost 100 full scholarships, representing over \$13 million, to students from the DC Public Schools to attend GW. Under Trachtenberg's leadership, GW's Multicultural Student Services Center was named and has become a strong center for cultural awareness and celebrations, student development, and diversity training. Additionally, the Office of Community Service was created in 1992 and has become a focal point for civic engagement for the Washington DC community. His dedication to civic service is reflected throughout the university, which was named a "college with a conscience" in 2005 by Princeton Review, and most recently in the top 10 schools sending students to the Peace Corps.

His passion and demonstrated commitment to DC—the city, the schools, the business community and its residents—are unparalleled and have been recognized on several occasions by the District of Columbia Mayor, City Council and Chamber of Commerce. President Trachtenberg has received numerous accolades from across the Nation and abroad for his service, vision, intellect, wit, and compassion. Thanks to President Trachtenberg, GW went from being one of the best kept secrets in town to being one of the best known and most admired global universities.●

CONGRATULATING GILAD JANKLOWICZ

● Mr. AKAKA. Mr. President, I wish today to honor Gilad Janklowicz from the great State of Hawaii in recognition of his induction into the National Fitness Hall of Fame in Chicago on Saturday, March 17, 2007.

Gilad, a longtime resident of our beautiful State, is a pioneer in the fitness industry and one of the world's most popular fitness personalities. For over 23 years, he has helped over 38 million viewers stay healthy through his award winning instructional home fitness videos and popular television programs, "Bodies in Motion," "Basic Training the Workout," and "Total Body Sculpt with Gilad." "Bodies in Motion," which is filmed on location in the Hawaiian islands, is the longest running fitness show in the United States and was chosen as the No. 1 TV fitness program in the world by *Self* magazine.

Since his years as a high school athlete where he excelled in track and field, Gilad has devoted his life to fitness and become a leading proponent of the fitness movement. His efforts to raise awareness of the importance of maintaining a regular fitness program along with a nutritional diet and proper medical care have helped millions around the world. Let me be the first to extend my warmest congratulations to Gilad Janklowicz for his well-deserved induction into the Fitness Hall

of Fame. His life and work truly embody the aloha spirit of our State and serve as an example to us all. Mahalo.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to share with my colleagues the winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Courtney Larson, of Bartholomew County, and Chad VanLiew, of Jackson County, as winners of this year's contest. I ask that the complete text of their respective essays be printed in the RECORD. Likewise, I would like to include the names of all of the district and county winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

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

FEEDING OUR BODIES, FUELING THE FUTURE (By Courtney Larson)

Throughout the world there are many farmers working in their fields to provide people in America and other countries with food and alternate forms of fuel. Students in Indiana would like to thank the farmers in Indiana and other states for the sacrifices that they make in order to provide these goods for us. Without this supply of food and fuel, America would be different from what it is today.

Farmers in the United States feed over three-hundred million people in the United States every year, along with millions of people in other countries. The major crops that are grown in Indiana consist of beans, corn, and wheat. Besides converting the crops into food, they can also be used to make alternative fuels such as ethanol and biodiesel.

Alternative fuels such as ethanol and biodiesel can be used to power farmer's equipment along with cars and trucks. These fuels reduce emissions and make the United States less dependant on foreign oil. One of the popular alternative fuels produced in Indiana is soy diesel. This type of fuel is a little more expensive than regular diesel, but it is a cleaner product and it is more expensive because the amount of soybeans that can be converted into fuel is limited. This is not the only alternative fuel farmers have come up with, but is one of the cleanest and will help keep us from destroying the earth by reducing pollution.

Overall, Indiana farmers will play a role in the future of America whether it's feeding

them or providing a source of fuel. With all the crops farmers are now producing, America will not go hungry in the near future and will have a cleaner environment by using alternative fuels.

FEEDING OUR BODIES, FUELING THE FUTURE (By Chad VanLiew)

For hundreds of years Indiana farmers have been feeding the minds and bodies of Americans. Additionally, Indiana farmers are now being called upon for another equally important purpose—fueling the future. Indiana farmers are now being asked to play a huge part in the push to help the United States gain energy independence from foreign countries.

Just as American automakers are producing more fuel efficient vehicles, Americans need to switch to more environmentally friendly fuels, like biodiesel and ethanol, to run these resourceful automobiles. Indiana farmers can serve as a primary source of corn and soybeans, which will be used to produce these renewable fuels.

These two emerging fuel sources will increase the market for corn and soybeans, enabling Indiana farmers to see higher profits. This will in turn allow farmers to re-invest in new techniques for increased production of these important Indiana crops. Increased crop production will lead to an improvement in the Indiana economy due to the increasing demands for food and energy production by the American people. Indiana farmers are in this unique position because they can provide the products needed both to feed our citizens and fuel our means of transportation.

Because biodiesel is the cleanest alternative fuel available, the United States needs to switch. Indiana is fourth in the nation in soybean production. Indiana farmers will play a major role in the production of renewable biodiesel and ethanol. America needs to switch to home grown fuel, so we can become energy independent. Indiana farmers will then be not only feeding our bodies, but fueling our future.

2006–2007 DISTRICT ESSAY WINNERS DISTRICT 1

Elizabeth Quinn, Highland and Matthew Thomas, Elkhart.

DISTRICT 2

Kyrsten Bonine, Fort Wayne and Matthew Hamlin, Kendallville.

DISTRICT 3

Antonio Arzola, Logansport and Lesley Park, Rensselaer.

DISTRICT 4

Kayla Priday, Kokomo and Jacob Mossburg, Uniondale.

DISTRICT 5

Fayaz Khatri, Brownsburg and Hannah Chew, Cayuga.

DISTRICT 6

Trent Van Winkle, Indianapolis and Molly Scripture, Richmond.

DISTRICT 7

Quinton Heffner, Center Point and Lillian Hayhurst, Terre Haute.

DISTRICT 8

Courtney Larson, Columbus and Alex McCool, Brookville.

DISTRICT 9

Mark Turner, Princeton and Sarah Smotherman, New Harmony.

DISTRICT 10

Chad VanLiew, Seymour and Koralysa Graham, Batesville.

2006–2007 COUNTY ESSAY WINNERS

ADAMS

Corey Marbach and Hannah Conrad, St. Peter Immanuel Lutheran School.

ALLEN

Ryan Spieth, St. Louis Academy, and Kyrsten Bonine, Ascension Lutheran School.

BARTHOLOMEW

Conner Bonnell and Courtney Larson, Central Middle School.

BENTON

Trent Hasser, Benton Central Junior High School, and Sarah Dobson, Tri-County Middle School.

BROWN

Allison Wooton, Home School.

CASS

Antonio Arzola, Columbia Middle School, and Bailey Farrer, Pioneer Junior High School.

CLAY

Quinton Heffner and LaKyla Cook, Clay City Junior High School.

DEARBORN

Samuel Martin, Home School.

DEKALB

Colin Malcolm and Kathryn Conrad, Eastside Junior High School.

ELKHART

Michael Lenezkycki and Chloe Floyd, North Side Middle School.

FLOYD

Tyler Samples and Mary Beth Mattingly, Our Lady of Perpetual Help School.

FOUNTAIN

Julie McGrady, Fountain Central Junior High School.

FRANKLIN

Alex McCool and Megan Roberts, St. Michael School.

FULTON

Morgan Herrold, Caston Junior High School.

GIBSON

Mark Turner, Princeton Middle School.

GREENE

David Hestand and Ariel Fuller, Bloomfield Junior High School.

HAMILTON

Ben Mueller and Kaitlin Payne, Carmel Middle School.

HENDRICKS

Fayaz Khatri, Brownsburg East Middle School, and Chandler Courtney, Tri West Middle School.

HENRY

Josh Rea and Danielle Reamer, Tri Junior High School.

HOWARD

Alec Smith and Kayla Priday, Northwestern Middle School.

JACKSON

Chad VanLiew and Ellyn Jones, Immanuel Lutheran School.

JASPER

Justin Cook and Lesley Park, Rensselaer Middle School.

JAY

Steve Alig and Elaine Hemmelgarn, East Jay Middle School.

JENNINGS

Sophia Biehle, St. Mary School.

JOHNSON

Nick Roeder and Lindsey Winneroski, Center Grove Middle School.

LAKE

Nicholas Vazquez and Elizabeth Quinn, Our Lady of Grace School.

MARION

Trent VanWinkle and Regina Huston, Immaculate Heart of Mary School.

MARSHALL

Josh Zehner and Amanda Master, St. Michael School.

MIAMI

Sarah Correll, Peru Junior High School.

MONROE

Danton Rogers and Danyelle Burton, Batchelor Middle School.

MORGAN

Dakota Owen and Kirsten Hardin, Eminence Junior High School.

NEWTON

Sadie Cole, Tri-County Middle School.

NOBLE

Matthew Hamlin and Anna Pasquali, Kendallville Middle School.

PARKE

Devon Gray and Chelsea Stone, Rockville Junior High School.

PERRY

Erika Hauenstein, Tell City Junior High School.

POSEY

Joey Priest, North Posey Junior High School, and Sarah Smotherman, New Harmony School.

PULASKI

Joyce Bangel, Winamac Community Middle School.

RANDOLPH

Matt Friend and Kristen West, Driver Middle School.

RIPLEY

Jack Gutzwiller and Koralysa Graham, St. Louis School.

ST. JOSEPH

Matthew Thomas and Mary Bonadies, St. Matthew Cathedral School.

SCOTT

Cyndll Harqis, Scottsburg Middle School.

SPENCER

Nick Pledger, Heritage Hills Middle School.

STARKE

Quinn Biddle and Lauren Jernas, Oregon-Davis Junior High School.

SULLIVAN

Brittany Bezy, Carlisle Junior High School.

TIPPECANOE

Claire Paschen, Klondike Middle School.

VERMILLION

Zane Yoho and Hannah Chew, North Vermillion Junior High School.

VIGO

Joseph Botros and Lillian Hayhurst, Honey Creek Middle School.

WABASH

Tanner McCarty, Northfield Junior High School, and Elizabeth Schilling, Manchester Junior High School.

WASHINGTON

Jeffrey Strother and Alandra Bishop, West Washington Junior High School.

WAYNE

Joel Stocksdales and Molly Scripture, Seton Catholic School.

WELLS

Jacob Mossburg, Home School, and Acacia Herr, Southern Wells Junior High School.

WHITE

Zeph Bickett and Alex Daker, Tri-County Middle School. •

the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

ENROLLED BILL SIGNED

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:37 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 1362. An act to reform acquisition practices of the Federal Government.

The message also announced that the House has agreed to H. Res. 244, resolving that the following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. EHLERS, and Mr. MCCARTHY of California.

The following Members are hereby elected to the Joint Committee of Con-

gress on the Library, to serve with the chair of the Committee on House Administration: Ms. ZOE LOFGREN of California, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California.

The message further announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007: Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, Ms. SOLIS of California, Mr. BUTTERFIELD of North Carolina, Mr. SMITH of New Jersey, Mr. ADERHOLT of Alabama, Mr. PENCE of Indiana, and Mr. PITTS of Pennsylvania.

MEASURES REFERRED

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

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes; to the Committee on the Judiciary.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1362. An act to reform acquisition practices of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 95. A resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S. Res. 96. A resolution expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics.

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. Con. Res. 14. A concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

citizens of Greek ancestry and Philhellenes in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Lt. Gen. Robert L. Van Antwerp, Jr., 8468, to be Lieutenant General.

Navy nomination of Adm. Timothy J. Keating, 8508, to be Admiral.

Air Force nomination of Lt. Gen. Victor E. Renuart, Jr., 0278, to be General.

Army nomination of Lt. Gen. Peter W. Chiarelli, 6598, to be Lieutenant General.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*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. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

By Mr. KERRY:

S. 889. A bill to improve acquisition under the Deepwater program of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. DeMINT (for himself, Mr. CORNYN, Mr. KYL, Mr. MARTINEZ, and Mr. BROWNBACK):

S. 893. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. BUNNING, Mr. BINGAMAN, and Mr. SALAZAR):

S. 894. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Finance.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

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

S. 898. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. DOMENICI, Mr. REED, Ms. MURKOWSKI, Mrs. CLINTON, Mr. BENNETT, Mr. OBAMA, Mr. GRASSLEY, Mr. BROWN, and Mr. BURR):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. CANTWELL):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. BENNETT, Mrs. CLINTON, Mr. KERRY, and Mr. HARKIN):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. CRAIG):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. OBAMA (for himself and Ms. MURKOWSKI):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself, Mr. REED, Mr. KOHL, Mr. MARTINEZ, and Mr. SMITH):

S. 908. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. CLINTON):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. DURBIN, Mr. INOUE, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CASEY):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself and Mr. LEVIN):

S. Res. 107. A resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY):

S. Res. 108. A resolution designating the first week of April 2007 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. Res. 109. A resolution congratulating the University of Alaska Fairbanks rifle team

for winning the 2007 National Collegiate Athletic Association Rifle Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BIDEN, Mrs. BOXER, Ms. MURKOWSKI, Mr. HAGEL, Mr. BOND, Mr. KERRY, Mr. WEBB, and Mr. AKAKA):

S. Res. 110. A resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Mr. LOTT, Mr. SHELBY, Mr. CRAIG, Mr. CORNYN, Mr. STEVENS, Mr. CHAMBLISS, Mr. ALLARD, Mr. GRAHAM, Mr. ROBERTS, Mr. COBURN, Mr. MARTINEZ, Mr. ISAKSON, Mr. COLEMAN, Mr. DEMINT, Mr. THUNE, and Mr. SESSIONS):

S. Con. Res. 20. A concurrent resolution expressing the sense of Congress that no funds should be cut off or reduced for American Troops in the field which would result in undermining their safety or their ability to complete their assigned mission; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 254

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr. ALLEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

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

S. 479

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of 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.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Non-proliferation Act.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 584

At the request of Mrs. LINCOLN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early iden-

tification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 694, *supra*.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 738, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 779

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 791

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall

not be considered to be a hazardous substance, pollutant, or contaminant.

S. 821

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 849

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 852

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 852, a bill to deauthorize the project for navigation, Tenants Harbor, Maine.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 853, a bill to deauthorize the project for navigation, Northeast Harbor, Maine.

S. 854

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 854, a bill to modify the project for navigation, Union River, Maine.

S. 855

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 855, a bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

S. 856

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 856, a bill to terminate authorization for the project for navigation, Rockport Harbor, Maine.

S. 857

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 857, a bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area.

S. 882

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 882, a bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 65

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

S. RES. 95

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 888

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 "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed in whole or in part within the United States;

"(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States."

Mr. COBURN. Mr. President, I rise today as the lead Republican sponsor of the Genocide Accountability Act of 2007. I thank my colleague, Senator DURBIN, for introducing this important piece of legislation.

Senator DURBIN serves as the chairman and I serve as the ranking member of the new Subcommittee on Human Rights and the Law in the Senate Judiciary Committee. We held our first hearing, entitled "Genocide and the Rule of Law," on February 5, 2007. There could not be a more appropriate way to begin examining the law as it relates to human rights than to determine what we can and must do to prevent and stop genocide. The United States is a signatory of the Convention on the Prevention and Punishment of the Crime of Genocide. This convention provides that the contracting parties must "undertake to prevent and to punish" the crime of genocide. We have also passed a law implementing the Genocide Convention.

However, our hearing demonstrated that there are changes that need to be made in law and foreign policy to respond to the ongoing genocide in Sudan and to any genocide that may occur elsewhere in the future. Fortunately, two of these changes can be accomplished right now.

The first change can be accomplished through a bill Senators DURBIN and CORNYN introduced last week, of which I am a cosponsor. That bill, the Sudan Divestment Authorization Act of 2007, will allow State and local governments to prohibit the investment of State assets in the Government of Sudan or companies with certain business relationships with Sudan, while the Government of Sudan is subject to sanctions under U.S. law. The second change can be accomplished through the bill we are introducing today, the Genocide Accountability Act of 2007. This act will ensure that our justice system has the authority to prosecute someone who has committed genocide if that person is found or brought into the United States.

Under current law, the United States can deny admission to and exclude aliens from the United States on human rights grounds. The Attorney General can also consider avenues for the prosecution of aliens who have committed certain crimes, including genocide. However, the Attorney General can only prosecute a perpetrator of genocide if he committed his crimes within the United States or is a U.S. national.

What does this mean? It means that if a person who plans or participates in the genocide occurring right now in Darfur travels to the United States on vacation, business, or even to live here for an extended period of time—as a refugee or student, for instance—a court in the United States cannot touch him. The best our justice system can do is deport him once his crime is discovered.

Without question, it may be more appropriate in some cases to extradite someone who commits genocide to his home country or turn him over to an international tribunal. However, there are also times when a person's home country may not be willing to prosecute him and there is no viable alternative for prosecution. In these cases, extraditing a criminal would be no different than setting him free. This bill will not force our justice system to prosecute those who commit genocide just because they are found on our soil—it simply gives us the option. Nonetheless, in America we are blessed with great resources and the most effective and just legal system in the world. With these blessings comes great responsibility. It is contrary to our system of justice to allow perpetrators of genocide to go free without fear of prosecution.

It simply makes no sense to withhold from our justice system the authority to prosecute someone who is found in the United States and who committed a crime as atrocious as genocide just because he is not American and did not commit the crime here. We have passed tough laws that ensure that we can prosecute anyone found in the United States who has committed terrorist acts or supports terrorism. We do not want to become a safe haven for terrorists, so I ask: Do we want to be a safe haven for those who have committed genocide? The answer should be clear.

Fundamentally, we must decide if genocide is a bad enough crime, no matter where it happens, that it warrants the same treatment as terrorism-related crimes. I deeply believe that it is, and that is why I am proud to co-sponsor this bill today.

By Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INOUE. Mr. President, the Eisenhower Memorial Commission was created by the U.S. Congress in 1999 as a bipartisan commission for the purpose of considering and formulating plans for the location, design and construction of a permanent memorial to President Dwight D. Eisenhower to perpetuate his memory and his contributions to the United States. Since being fully appointed in 2001, the Commission considered twenty-six different

sites in the District of Columbia. In 2005, it selected a site between the Department of Education and the National Air and Space Museum, two institutions resulting from and greatly influenced by President Eisenhower's leadership.

In 2006, Congress approved the memorial's location within Area I, in compliance with the Commemorative Works Act. The Commission secured full approval for the selected site following extensive review by the National Park Service, the National Capital Memorial Advisory Commission, the National Capital Planning Commission, and the Commission of Fine Arts. Since its inception, the Commission has also taken great care to study and analyze President Eisenhower's legacy. It produced a report by leading scholars and experts on President Eisenhower that provides a definitive statement on the transcending elements of President Eisenhower's enduring legacy. He ranks as one of the preeminent figures in the global history of the 20th century.

The Eisenhower Memorial Commission now needs to move into the design phase. As design begins, the Commission's organization, specifically with regard to contracting and staffing, needs to be updated and revised to enable efficient management and responsible stewardship. The proposed legislation which I introduce today provides for the necessary reorganization. I am joined by Senators STEVENS, ROBERTS, and HAGEL as original cosponsors of the bill.

The legislation enables the Commission to retain the services of full, part-time, and volunteer staff as government employees, without the restrictions of the competitive service requirements. It also provides the authority for the Commission's Executive Architect to manage technical and administrative aspects of design and construction. It provides for staff to be released on the completion of the memorial and enables the Commission to work in collaboration with federal agencies.

President Eisenhower spent his entire life in public service. His extraordinary contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but President Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President.

Although President Eisenhower grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created the National Aeronautics and Space Administration, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added the State of Hawaii and the State of Alaska to the United States

and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent Federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War.

A career soldier, President Eisenhower championed peace, freedom, justice and security, and, as President, he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask: What is best for America?

President Eisenhower once said, "I know that the American people share my belief that if a danger exists in the world, it is a danger shared by all; and equally, that if hope exists in the mind of one nation, that hope should be shared by all." President Eisenhower's legacy provides hope to all of us—like him, through education and public service, we, as a nation and individually, can rise to meet any challenge. Accordingly, I urge my colleagues to support this legislation.

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. 890

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

SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274) is amended—

(1) by striking subsection (j), and inserting the following:

“(j) POWERS OF THE COMMISSION.—

“(1) IN GENERAL.—

“(A) POWERS.—The Commission may—

“(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

“(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

“(iii) hold hearings and enter into contracts;

“(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

“(v) take such actions as are necessary to carry out this section.

“(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

“(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

“(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title;

“(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

“(3) FEDERAL COOPERATION.—To ensure the overall success of the efforts of the Commission, the Commission may call upon any Federal department or agency to assist in and give support to the Commission. The head of each Federal department or agency shall furnish such information or assistance requested by the Commission, as appropriate, unless prohibited by law.

“(4) POWERS OF MEMBERS AND AGENTS.—

“(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

“(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

“(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

“(ii) perform other duties as designated by the Chairperson of the Commission.

“(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

“(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.”;

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding at the end the following:

“(o) STAFF AND SUPPORT SERVICES.—

“(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

“(2) STAFF.—

“(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS-15 of the General Schedule.

“(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule

“(3) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the Vice-Chairperson, or the Executive Director, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

“(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

“(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

“(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

“(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

“(7) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

“(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(C) TREATMENT.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of—

“(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

“(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

“(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

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

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, TOM COBURN, to proudly reintroduce the Child Medication Safety Act, a bill to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend a school.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife, Kay, was a teacher at Edison High School in Tulsa for many years and now both of our daughters are teachers. I can assure you that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make this diagnosis and should not make it mandatory for the student to continue attending the

school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending the school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation for special education. Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: (1) the variation among States in the definition of psychotropic medication as used in public education, (2) the prescription rates of medication used in public schools to treat children with attention deficit disorder and other such disorders, (3) which medications listed under the Controlled Substances Act are being prescribed to such children, and (4) which medications not listed under the Controlled Substances Act are being used to treat these children and their properties and effects. This GAO report is due no later than one year after the enactment of this Act.

I believe this is an extremely important bill that protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. Please join us in support of this legislation that protects the freedoms of our children.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce the Capital Gains Inflation Relief Act of 2007. The taxation of inflation is one of the most unjust practices of the tax code. This simple improvement will not only enhance the basic fairness and efficiency of the tax code, but will also immediately increase the net return on capital investment.

Under current law, a taxable capital gain occurs whenever a capital asset is sold at a price higher than the original purchase price. However, the timing of capital gains taxation sets it apart from other types of income. While wages are generally taxed on a yearly basis, the taxation on capital assets occurs at the time the capital asset holder chooses to sell his asset and realize

his gains. The gains on capital assets accrue over the course of the asset's life, which is usually many years. This is generally favorable to the capital asset holder, because he can defer taxation on his gains to a future year. This tax deferral is often cited as the primary reason for holding assets long term.

However, the value of tax deferral is often times overstated because current tax policy taxes the capital asset holder not only on real gains, but also on gains due to inflation. This creates a situation that is patently unfair to the American taxpayer. For example, an American who purchased a share of stock for \$10 in 1950 and sold it for twice that amount today would be subject to capital gains taxes on the nominal gain of \$10, though the transaction was a clear loss when one accounts for inflation. Why should an American taxpayer, who invested in a capital asset in his youth, be forced to pay capital gains taxes, on what can only be viewed as a loss, in his later years? In spite of all our efforts to curb inflation, it will remain a fact of life. This does not mean we should tax hard-working Americans with long-term goals on gains that are due to inflation, gains that they will never actually realize.

Without an inflation index, the tax code incentivizes short-term speculation and discourages long-term capital investment. The current turmoil in the subprime lending market is an example that demonstrates the perils of emphasizing short-term speculation over long-term capital investment. Though inflation has remained relatively modest recently, there is no guarantee of future stability. Inflation indexing would instantly increase the net return on capital investment and consequently encourage more of it. Inflation indexing would also restore core principles of sound tax policy such as "horizontal equity," wherein two taxpayers in identical situations are treated identically by the tax system. Indexing capital gains would improve the basic fairness of the tax code with only a minor increase in administrative costs and a single step of simple multiplication for taxpayer compliance.

The need for indexing is clear. It would help average Americans and improve tax policy by enhancing both the basic fairness and the pro-growth incentive of the tax code. The merits of the capital gains tax are themselves debatable, but if we are to tax capital gains let us make sure they are taxed fairly. Please join with me in supporting this legislation to free the American taxpayer from the unfairness of the current tax policy.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I was proud to help create the State Children's Health Insurance Program during the Clinton Administration. It has provided health insurance for 6 million children, including more than 425,000 in New York. SCHIP was the biggest expansion in providing health insurance coverage in more than 30 years—a big first step to providing quality health care coverage for all children.

And now it is time to take the next step. Today, I am introducing new legislation with my colleague from the House of Representatives, Chairman DINGELL: a plan to make quality affordable health care available to every child in America.

The Children's Health First Act will make quality, affordable health care available to all children, and will pave the way to cover the more than nine million children in our country without health coverage.

Our bill cuts red tape to allow States to provide affordable healthcare options for all families to cover their children. It gives States the financial incentives and resources to expand—existing State coverage and find and enroll the 6 million children who are currently eligible for health coverage but are not enrolled. And it provides incentives to expand employer sponsored coverage for children.

As individuals and as a Nation, an ounce of prevention is truly worth a pound of cure. Health care accessible and affordable for all children will keep kids healthy, save lives, control costs, and end heartache and worry for so many parents. This plan is practical and fiscally responsible—it will honor our values and prevent kids from needing more costly healthcare in the future.

Our bill will provide incentives for States to expand SCHIP to more children and provide health coverage for children up to 400 percent of poverty, about \$70,000 for a family of three.

Parents whose incomes are above their State's SCHIP eligibility levels and employers who want to provide coverage to dependents will also have the option to buy-in to the SCHIP program. This will ensure that all families have access to affordable coverage and aren't forced into the private insurance market where affordable options for their children are often out of reach.

And while expanding coverage is critical, enrolling children who are already eligible must also be part of our efforts to ensure every child has health insurance.

Currently, there are 6 million uninsured children who are eligible for public programs but not enrolled. In order to receive expanded Federal funding under our bill, States must undertake strategies designed to enhance outreach and enrollment of currently eligible children.

In addition, the Children's Health First Act would prevent funding shortfalls like those that 14 States are currently facing. Unlike the original

SCHIP bill our legislation would determine funding based on State spending and indexed to medical inflation and child population growth so that states will get the funds they need.

Every child deserves a healthy start in life. This goes to the heart of our values, our responsibility to one another, the promise of our country. Far too many children in our Nation—more than 9 million—do not have health care. And, for the first time in nearly a decade, between 2004 and 2005, the number of uninsured children in New York increased by 61,000—part of a trend nationally.

It's simply wrong that there are working parents who worry about their children playing sports because they can't afford a doctor if their child gets hurt. I've met parents who when their children get sick fret and worry about their children's illness—but have the added anxiety of wondering how they are going to pay for the doctor visit. That just shouldn't happen.

No child in America, the greatest, richest Nation on Earth home to so much promise, should lack for the care he or she needs to grow up to be a healthy, happy adult.

We can tackle this challenge—and provide access to quality, affordable health care for all children in America. It's the right thing to do, and it's the smart thing to do.

I am proud to introduce this legislation. It will help us honor our values, protect our children. We can meet this challenge and that's what I'll be working with Chairman DINGELL and my Senate colleagues to achieve this year.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise again this evening to speak about a growing crisis in rural America. This crisis is found in rural New England, throughout Appalachia, spans the Great Plains, crosses the Western deserts, and reaches the mountains of the great Northwest. It impacts the seniors, children, the women, and the men of rural America. What I am speaking about today is a lack of access to quality health care.

In rural America, patients have long gone without care. Despite the fact that one-fifth of the U.S. population lives in rural America, only 9 percent of the Nation's physicians are practicing in these areas. Over 50 million of these rural Americans live in areas that have a shortage of physicians to meet their basic needs.

Now, physician recruitment to rural America is a big problem. Part of this problem comes about through high student debt, which often forces many students away from a rural practice and

into urban specialty medicine where they can probably command higher salaries.

I recently held a Senate HELP Committee field hearing in Alaska. This was during the February recess. I held this field committee hearing on the physician shortage crisis in rural America. At that hearing, I had a young woman come up and speak. She is a medical student who is currently part of the WAMI Program, the Western States medical program. This young woman, Melissa Howell, is 26 years old. She stated the student debt she has accumulated is a huge concern that hangs over the decisions she makes as she decides where she is going to practice. Simply put, she said that the \$100,000 student debt she faces is "kind of scary." I have to admit, that is kind of scary.

A dozen States already report severe physician shortages. These shortages exist in the areas of cardiology, radiology, neurology, to name a few. But the greatest shortages persistently have been in primary care. In fact, the shortage of primary care physicians in rural areas of the United States represents one of the most intractable health policy problems of the past century.

It will only worsen. In 20 years, 20 percent of the U.S. population will be 65 or older, and this is a percentage larger than at any other time in our Nation's history. Just as this aging population places the highest demand on our health care system, we have some experts who predict a national shortage of close to 200,000 physicians. If that becomes a reality, 84 million patients could be potentially left without a doctor's care.

So the question has to be asked, where are the doctors going? We are losing some of our doctors through attrition. One-third of physicians are 55 years old and older and are likely to retire as this baby boom generation moves into its time of greatest medical need. Additionally, for the last quarter of a century, medical schools have kept their student enrollments virtually flat.

We are also losing a lot of our doctors, quite simply, through frustration. Low Medicare and Medicaid reimbursement rates, coupled with complex regulations and paperwork, leave physicians aggravated, leave them disappointed with the practice of medicine.

In Alaska, we have lived with provider shortages since statehood. I grew up in a part of the State down in the southeastern area where you did not have doctors who were available to deliver babies except on Tuesdays and Thursdays. You hoped you could give birth on a Tuesday or a Thursday. Still, in many parts of our State, we do not have providers who can deliver. If you are out in the Aleutian chain, you are told by your physician's attendant to come to Anchorage, some 600 miles away, to wait out the remaining month

of your pregnancy because they do not have the facilities, do not have the doctors available to take care of you in the event of an emergency.

So we have lived with provider shortages for a long time. Because our State is larger than Texas and California and Montana combined, "rural" brings on a new meaning and the physician shortage crisis is even more amplified, as I have given in my two examples. But we have had some recent events in the State that have created a situation far worse than Alaska has known in the past. Currently, in the State, we have the sixth lowest ratio of physicians to population in the United States. That is when you take into account Anchorage, which is our largest population center. In rural Alaska, it is the worst physician-to-population situation in the Nation. Alaska needs nearly 400 more doctors to provide the same level of care as elsewhere in the country.

One of our problems is we do not have a medical school, and we are not likely to be getting a medical school in the near future. We also have the lowest per capita number of medical school slots in the country and the lowest number of residency slots. We have two small but very successful programs; this is the University of Washington Medical School Partnership and the Alaska Family Residency Program. These two programs help train Alaskans as physicians and also help us bring doctors to Alaska. But despite the success of these programs, each is far too small to meet our population's needs.

Each week, without fail, I receive faxes, phone calls, letters, and e-mails from Alaskan seniors who simply cannot find a doctor to treat them. I wish to read a few excerpts from recent e-mails we have received. The first one is from a gentleman in Anchorage. Keep in mind, Anchorage is our largest population center; about half the population of the State is here.

He writes:

My mother . . . has had difficulty in the extreme in getting a doctor who will take her on as she is a Medicare patient . . . doctors are telling potential patients that they are no longer taking Medicaid. My mother has made in excess of 100 calls to physicians in Anchorage.

Another constituent writes—and this is also from Anchorage:

During the past year, I've tried to find a doctor that accepts Medicare. I used the Anchorage Yellow pages and called over 100 doctors, only to be told that they won't accept any more Medicare patients.

She then writes to say:

I'll tell you ahead of time, we'll be going to the hospital emergency rooms, to receive, even the basic medical care, i.e.: colds, flu, and other basic medical care, that could have been treated through seeing a doctor, at their established practice. This doesn't sound like good fiscal management.

Another constituent—and this was actually in a letter to the editor in the Anchorage Daily News—says:

My friends telephoned more than 80 doctors recently, and not one was accepting new Medicare patients.

A third gentleman from Kenai, AK, writes:

My mom has Medicare and she had to wait 5 months to be seen by a Neurologist because she had been put on a waiting list to be seen due to the fact she was a Medicare patient.

Another woman from Anchorage says:

I just got through trying to find a physician for an elderly Medicare-dependent friend. At this time I have found no one who will take her. Most physicians take no Medicare patients or have a quota which is full. The Providence health care provider list has no one who takes Medicare.

The last e-mail was from Anchorage stating:

Almost no family practice office in Anchorage is accepting new Medicare patients.

This is just a sample of what we get from constituents around the State of Alaska saying: I don't have anyone who can see my mother. I can't get in to see anyone myself.

I mentioned in my comments this is a crisis that is growing. In Alaska, we don't often think of it as being a State where we have a large senior population. We think of some of the Southern States as being the ones that attract our seniors. But the fact is Alaska has the second fastest-growing senior population in the Nation, second only to Nevada.

So again we ask the question: Why aren't Alaska's doctors able to provide care to our seniors? Why are they saying: No, we are not accepting any new Medicare patients? Well, a lot of it has to do with the reimbursement rates. Recent Federal reductions in Alaska Medicare reimbursement rates have been so severe that primary care physicians report that Medicare pays them only 37 cents—it is actually between 37 cents to 40 cents—for every dollar that it costs to treat a patient. So the doctor is spending a dollar in the care provided but is getting reimbursed about 40 cents to every dollar. We had one physician testify at the field hearing, and he said that in order for him to basically break even with his medical practice, he would have to see one Medicare patient every 7 minutes in order for him not to lose money. For those of us who go into our doctor's office, if we only had 7 minutes in there with our medical provider, I don't think we would feel we were getting the care and the attention our medical issues deserve.

Losing money by seeing Medicare patients has meant that many of our physicians have stopped accepting Medicare patients entirely. They are making a decision not to accept any new Medicare patients. Or if you have been a patient of a particular physician and you turn 65, you may have had a good relationship with that physician, but if he tells you: I am sorry, I am not accepting any new Medicare patients, that date of your birthday comes and all of a sudden you don't have the care that you had relied on for some period of time.

During this committee field hearing, we had testimony that revealed that

only one neighborhood health clinic in the entire city of Anchorage—and again, this is a city that has half the State's population—only one neighborhood health clinic is still accepting new Medicare patients.

So if you are lucky enough to find a physician, it often takes weeks or months for an appointment. So when you are faced with this kind of a delay, you have one of two options. You either go to the emergency room if the conditions are severe enough or you go without care entirely, putting it off until perhaps it becomes even more complicated down the road.

We had testify at the field hearing one gentleman who is from the city of Bethel. Bethel is in the western part of the State. He said he was willing to fly the 500-some-odd miles from Bethel to Anchorage if only he could find a primary care doctor who would accept him. He kind of joked because he said he counted himself lucky because he had a heart condition, and he was at least able to get in to see a specialist once in awhile.

The chairman of the Alaska Commission on Aging, Mr. Frank Appel, called the lack of access to health care for seniors "the most critical problem facing Alaska's seniors."

I know Alaska is not alone. The crisis is not just Alaska. It is nationwide. We as a body, as a Congress, should find this situation intolerable.

I haven't been in the Senate for as long as many of my other colleagues, but I have been here long enough to know that we fight a lot about health care. We debate the solvency issues, the funding issues, the insurance, the benefit coverage, universal coverage, health savings accounts, the prescription drug benefit. We debate and argue about a lot of these issues as they relate to health care, and each and every one of these issues is certainly worthy of great debate. But I would submit that not one of those very worthy debates matters in the least to one of the seniors I have mentioned in these letters who can't find a primary care doctor after making 100 phone calls.

So instead of this body debating how health care is delivered, it is time we focus on the fact that it is not delivered in much of America. We have a crisis that, simply put, cannot wait. We have to do two things. We have to help current physicians stay in the practice of medicine, and we must vastly increase our health care work force.

Earlier this year, Senator STEVENS and I introduced the Rural Physician Relief Act, and this is a bill that provides tax incentives for physicians to practice in our most rural and frontier locations in the country. Today, along with my colleagues, Senator SCHUMER, Senator STEVENS, and Senator SANDERS, we are introducing legislation entitled the "Physician Shortage Elimination Act." This legislation will double the funding for the National Health Service Corps, a program that is dedicated to meeting the needs of the un-

derserved. Despite its success over the years, it has been vastly underfunded. We understand that 85 percent of the applicants to this worthy program have to be turned away each year because we don't fund it.

This legislation will also allow rural and underserved physician residency programs to expand by removing barriers that prevent programs from developing rural training programs.

We will also double certain title VII funding to create programs that target disadvantaged youth in rural and underserved areas and nurture them to create a pipeline to careers in health care. We need to get more people interested in the field.

Finally, we must bolster the cornerstone of rural health care, which is the community health center, through additional grants and by allowing them to expand their residency programs.

I would suggest that the prognosis for the quality of health care in America is poor. Fifteen million Americans in underserved areas across the Nation already do without care. Soon, with even greater physician shortages, it could mean that potentially another 84 million patients will be left without a physician's care.

The time for Congress to act is now. In fact, it is past time. I look forward to working with my colleagues on this issue that again is not just Alaska-specific. I think the facts on the ground up North perhaps make the arguments more accentuated, but I think it points to a situation in this Nation that we must deal with now before the crisis is felt throughout the country.

I appreciate the attention of the Chair.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join in cosponsoring the Alzheimer's Family Assistance Act of 2007 introduced by my colleague, Senator MIKULSKI.

As much as we all would like to think that we will remain healthy and strong throughout our lifetimes, many of us will need long-term care. The cost of that care, whether provided in a nursing home, assisted living facility, or in one's own home with the assistance of health aides, can quickly add up. That is why we should do everything we can to make people aware of long-term care insurance and to ensure that policies are affordable.

We need to encourage people to include long-term care insurance in their planning, especially when people are younger and premiums would be lower. The Deficit Reduction Act of 2005, DRA, made good progress in that regard by expanding State long-term care partnership programs. In addition, the DRA established an information

clearinghouse to help individuals learn about long-term care insurance options in their states.

We also need to encourage older individuals to purchase long-term care insurance. By establishing a deduction for long-term care insurance premiums, this legislation will help accomplish that goal. In order to qualify for the deduction, the policy must include several important consumer protections recommended by the National Association of Insurance Commissioners, NAIC. The DRA incorporated the same protections plus some additional NAIC consumer protections into the State long-term care partnership policies. As this bill moves forward, I look forward to working with Senator MIKULSKI to ensure consistency in the application of these consumer protections to long-term care policies. Specifically, I hope we can expand the consumer protections in this bill so they are in line with those included in the DRA.

Finally, this legislation recognizes that individuals and their caregivers may need assistance in paying for medical supplies, nursing care, and other long-term care expenses. The tax credit called for in the bill, which increases from \$1,000 to \$3,000 in 2011 and beyond, will help defray these costs.

Mr. President, I have long supported the policies included in this legislation and commend my colleague for her work on this important issue.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleagues Senators MIKULSKI, MURRAY, SANDERS, DURBIN, LIEBERMAN, CANTWELL, AKAKA, and LEVIN, to introduce legislation to amend the Higher Education Act to improve access to college for low- and moderate-income students by raising the authorized maximum Pell grant to \$11,600 within 5 years. This bill has the strong support of the American Association of Universities, American Jesuit Colleges and Universities, the American Association of Community Colleges, the National Association of Independent Colleges and Universities, the American Council on Education, and The Higher Education Consortium for Special Education.

Pell grants were first established in the early 1970s by our former colleague, Senator Claiborne Pell. Pell grants are the largest source of Federal grant aid for college students and make it possible for millions of low- and moderate-income students to attend college. The benefits of Pell grant aid cannot be overstated. Pell grants are beneficial

to individual students as well as our society as a whole. Often, our Nation's great innovators and creative minds sharpen their skills on college campuses. By increasing the Pell grant, we make a college education more affordable, and thus, make it more likely that qualified and hard working low- and moderate-income students will attend. It would be a significant loss to this great Nation if a generation of individuals were not able to earn a college degree simply because they could not afford to pay for it.

In 1975, the maximum appropriated Pell grant covered 80 percent of the average student's tuition, fees, room, and board at 4-year public universities. In 2005–2006, the average Pell grant covered 33 percent of the total charges at 4-year public universities. That's not just a drop in aid, it's a free-fall. For low- and moderate-income families, the cost of college has also increased as a percentage of income. In 1999 it took 43 percent of a low-income family's income to pay for a college education. In 1972, it only took 27 percent. The cornerstone of American democracy is providing all citizens with access and opportunities so that through hard work they can achieve the "American dream." We must keep that dream alive by providing students the financial opportunity to attend college.

In order to meet the cost of attending college, many low- and moderate-income students are forced to take out an exorbitant amount in student loans. Upon graduation these students are often faced with an unmanageable debt load. Surveys tell us that students with a significant amount of debt are postponing marriage and having children. Others are choosing their jobs based on where they think they can afford to work. Clearly, we do not want student loan debt to solely drive our young people's goals and aspirations.

Over the past several years, the administration has not raised the maximum Pell grant. On top of leaving millions of children behind by underfunding K–12 education, they are also leaving students behind who have done well in school and want the chance to go on to college. If we are serious about leaving no student behind—if we are serious about having a society where equal opportunity for all is more than just rhetoric—then we must increase the Pell grant.

It has been said that investing in a student's future is investing in our Nation's future. We can start investing in our Nation's future by supporting this bill to increase the maximum appropriated Pell grant to \$11,600. This bill won't bring the Pell grant's purchasing power back to where it was in 1975, but it is a critical first step. I hope that my colleagues will join me in taking this important step toward ensuring all that have the ability to excel in college are given that opportunity.

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. 899

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

SECTION 1. FEDERAL PELL GRANT MAXIMUM AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by striking subparagraph (A) and inserting the following:

“(A) Except as provided in subparagraph (B), the amount of the Federal Pell Grant for a student eligible under this part shall be—

“(i) \$7,600 for academic year 2007–2008;

“(ii) \$8,600 for academic year 2008–2009;

“(iii) \$9,600 for academic year 2009–2010;

“(iv) \$10,600 for academic year 2010–2011; and

“(v) \$11,600 for academic year 2011–2012, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.”; and

(3) by inserting after subparagraph (A) (as amended by paragraph (2)) the following:

“(B) If the Secretary determines that the increase from one academic year to the next in the amount of the maximum Federal Pell Grant authorized under subparagraph (A) does not increase students' purchasing power (relative to the cost of attendance at an institution of higher education) by not less than 5 percentage points, then the amount of the maximum Federal Pell Grant authorized under subparagraph (A) for the academic year for which the determination is made shall be increased by an amount sufficient to achieve such a 5 percentage point increase.”.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Boy Scouts of America Land Transfer Act of 2007. This important legislation will allow the exchange of two small parcels of land between the Utah Parks Council of the Boy Scouts of America and Brian Head Ski Resort.

In 1983, the Bureau of Land Management granted the Boy Scouts of America roughly 1,300 acres in Parowan, Utah. The land patent was granted with the stipulation that it be used exclusively for purposes of a Boy Scout camp. The Scout camp, known as Camp Thunder Ridge, is situated in the mountains adjacent to Brian Head Ski Resort and near Cedar Breaks National Monument.

When the land was given to the Scout Camp, a local rancher owned a parcel of land adjacent to the camp and another parcel in the middle of the camp. Upon his retirement, the rancher turned over his parcels, totaling 120 acres, to Brian Head Ski Resort. Thus, the ski resort now owns land in the middle of a Boy Scout Camp.

The Boy Scouts and the Resort agree that the land previously owned by the

rancher would best be used as part of Camp Thunder Ridge, while certain parcels of the Scout Camp would be of more use to the Ski Resort.

The Boy Scouts of America Land Transfer Act would allow the Boy Scouts to exchange 120 acres of their land on the south end of the camp with Brian Head for 120 acres on the eastern side of the camp, including the 40 acres located in the middle of the camp. Because of the stipulations of the original BLM patent given to the Scout Camp, legislation is required to authorize this exchange.

While Camp Thunder Ridge is located in a steep, rough, mountainous area, much of the land the Boy Scouts seek is flat, making it particularly important for the camp. Obtaining the land would make it possible for the Scouts to make the camp shooting area and archery range safer and would allow them to improve and expand their camping facilities. It would also allow for the installation of much-needed septic tanks.

I am a strong supporter of the Boy Scouts of America. Scout camps, such as Camp Thunder Ridge, give young men the opportunity to learn vital skills, fulfill merit badge requirements, and otherwise improve themselves. This small land exchange will allow Camp Thunder Ridge to do a better job in helping these young men learn and grow.

For its part, Brian Head Ski Resort is seeking to expand their operations and have received preliminary approval from local officials. The local Planning Commission, however, has required them to build an emergency exit for their property. The only place to build such a road is through land owned by the Boy Scouts. The exchange will allow Brian Head to construct the access road and comply with county fire safety regulations.

The Boy Scouts have been working for more than 20 years to secure the lands in question, and Brian Head needs to build on lands currently owned by the Scouts. Therefore, it would be in the best interest of both parties to authorize this land exchange. In fact, the exchange is desperately needed by both parties, and I urge my colleagues to support this important legislation.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. DOMENICI, Mr. REED, Ms. MURKOWSKI, Mrs. CLINTON, Mr. BENNETT, Mr. OBAMA, Mr. GRASSLEY, Mr. BROWN, and Mr. BURR):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's an honor to join Senator HATCH and my

HELP Committee colleagues today in introducing this bill to reauthorize the community health centers program. The Health Centers Renewal Act extends the program through 2012, it authorizes the funds needed to stabilize existing centers and enable them to increase their capacity and funds for new centers in underserved areas that have no existing center.

The community health centers program has been a success story by any measure over the past 40 years. It began as a two-site demonstration project for "neighborhood health centers" in 1965, with funds for Columbia Point in Massachusetts and Mound Bayou in Mississippi. The health center model was the brainchild of two young physicians and civil rights activists, Dr. H. Jack Geiger and Dr. Count Gibson. Their model was intended to address both health care and the roots of poverty, by giving communities a voice in their health care through a patient-majority community board, by creating jobs and investments in local communities, and by focusing on primary care and reducing health disparities among income groups.

Today, more than 1,000 health centers provide good health care to 16 million patients each year. They provide safety nets in their communities for the most vulnerable Americans, and bring care to 1 of every 4 Americans living in poverty. Nearly 70 percent of health center patients have incomes below the poverty line, and two-thirds are members of racial and ethnic minorities. Health centers give those who are so often disenfranchised in our society a voice in their own health care and in the care available in their community. Health centers are also an incentive for economic growth, providing 50,000 jobs across the country for residents in their communities.

As the number of uninsured and underinsured persons grows each year, the need for health center services increases. More than 40 percent of health center patients have no health insurance and their number is increasing. Another 36 percent of patients have coverage through Medicaid or CHIP, and cuts in these programs affect health centers as well. As the number of patients who rely on health centers continues to grow, we must provide the funds needed to open new centers in areas that are underserved and to provide additional funds to enable existing centers to meet the growing demand for care.

The funding authorized in this bill will provide stability and expanded services in existing centers, and enable new centers to open in areas that have no centers today. The legislation will keep health centers on track to serve 20 million patients by 2010 and more than 23 million patients by 2012. It also provides the funds needed to expand existing health centers to reach more uninsured and underinsured patients, open new centers in underserved areas with no current centers, expand cov-

erage of mental health, dental, and pharmacy services to all centers, invest in information technology, and take other steps to improve health outcomes. Our goal in the bill is to make sure that health centers can provide high-quality care to their patients for years to come, and I look forward to its enactment into law.

I ask unanimous request 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. 901

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 "Health Centers Renewal Act of 2007".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Community, migrant, public housing, and homeless health centers are vital to thousands of communities across the United States.

(2) There are more than 1,000 such health centers serving more than 16,000,000 people at more than 5,000 health delivery sites, located in all 50 States of the United States, the District of Columbia, and Puerto Rico, Guam, the Virgin Islands, and other territories of the United States.

(3) Health centers provide cost-effective, quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations, and have done so for over 40 years.

(4) Health centers provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

(5) Health centers provide primary and preventive care services to more than 700,000 homeless persons and more than 725,000 farm workers in the United States.

(6) Health centers are community-oriented and patient-focused and tailor their services to fit the special needs and priorities of local communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments.

(7) Health centers are built through community initiative.

(8) Health centers encourage citizen participation and provide jobs for 50,000 community residents.

(9) Congress established the program as a unique public-private partnership, and has continued to provide direct funding to community organizations for the development and operation of health centers systems that address pressing local health needs and meet national performance standards.

(10) Federal grants assist participating communities in finding partners and recruiting doctors and other health professionals.

(11) Federal grants constitute, on average, 24 percent of the annual budget of such health centers, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees.

(12) Health centers make health care responsive and cost-effective through aggressive outreach, patient education, translation, and other enabling support services.

(13) Health centers help reduce health disparities, meet escalating health care needs, and provide a vital safety net in the health care delivery system of the United States.

(14) Health centers increase the use of preventive health services, including immunizations, pap smears, mammograms, and HbA1c tests for diabetes screenings.

(15) Expert studies have demonstrated the impact that these community-owned and patient-controlled primary care delivery systems have achieved both in the reduction of traditional access barriers and the elimination of health disparities among their patients.

SEC. 3. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.

Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

"(A) \$2,188,745,000 for fiscal year 2008;

"(B) \$2,451,394,400 for fiscal year 2009;

"(C) \$2,757,818,700 for fiscal year 2010;

"(D) \$3,116,335,131 for fiscal year 2011; and

"(E) \$3,537,040,374 for fiscal year 2012."

Mr. HATCH. Mr. President, today I am introducing the Health Centers Renewal Act with my colleagues, Senators KENNEDY, ROBERTS, DODD, BOND, HARKIN, SNOWE, MIKULSKI, DOMENICI, BINGAMAN, MURKOWSKI, REED, BENNETT, CLINTON, GRASSLEY, OBAMA, BURR and BROWN.

The Health Centers program, created over 40 years ago, has an outstanding record of providing quality health care services to many Americans who do not have adequate health insurance. This ranges from children to parents and grandparents, in virtually every corner of the United States. In fact, Health Centers are a necessary component of our nation's health care safety net—they supply health services to over 15 million people in our country.

Health Centers include community health centers, which are local, not-for-profit 501(c)(3) corporations that give community-oriented health care and are governed by Boards of Directors that are made up of at least 51 percent health centers patients, to ensure that the patients and their communities are well represented.

From my work in Utah, I know how important Health Centers are. They have made a tremendous difference for Utah's citizens with insufficient health coverage—Utah community health centers serve close to 85,000 patients. Whenever I come home to Utah, I always hear wonderful things about the work of Community Health Centers.

Since 2001, Congress has consistently increased funding for Community Health Centers to meet President Bush's goal of having 1,200 new or expanded centers. The new dollars have provided services to four million new patients and have added facilities in over 750 communities across the country. By reauthorizing this program, Health Centers will give low-cost health care to many more deserving individuals.

S. 901 I will reauthorize the Health Centers program for 5 more years; it includes funding levels of: \$2,188,745,000

in fiscal year 2008; \$2,451,394,400 in fiscal year 2009; \$2,757,818,700 in fiscal year 2010; \$3,116,335,131 in fiscal year 2011; and \$3,537,040,374 in fiscal year 2012. These numbers are based on the National Association of Community Health Centers; NACHC, growth plan—NACHC's goal is for Community Health Centers to serve 20 million patients a year by 2010 and 30 million patients a year by 2015.

I believe that Community Health Centers are worth every dime that our government invests in them.

Utah Health Centers have made a tremendous difference in the lives of many Utahns—66 percent of patients come from Utah's urban areas and 27 percent are from the rural parts of the state. Ninety-six percent of Utah Health Center patients' incomes are below 200 percent of the Federal Poverty Level. Utah Health Centers have literally changed these patients' lives, serving as a link to the health care safety net system for the medically underserved and uninsured. In rural areas, Health Centers are often the only health care provider.

Community Health Centers have made a huge impact on people's lives. I am pleased and proud to support them by introducing this legislation today.

I urge my colleagues to cosponsor this important bill, which not only provides people with essential health care services, but also ensures that the Health Centers will continue to have the funding necessary to provide these services.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. CANTWELL):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, Americans are divided over the Iraq war, but we are 100 percent united in our determination to support the troops in the field and their families back home.

But just as we have seen shortcomings in the treatment of wounded warriors at Walter Reed, it is clear to me that we are falling short in supporting the families of Guard and Reserve personnel who serve in Iraq and Afghanistan. These families are especially vulnerable because of their isolation, their distance from military bases, and their lack of access to the services that active-duty military families can draw upon.

This is a new era for our National Guard and for the Reserves. They are shouldering a huge share of the combat burden in Iraq and Afghanistan, plus a stepped-up role in homeland security. More than four times as many Guard members have been killed in Iraq as during the entire Vietnam war.

With many Guard and Reserve members on their third or even fourth de-

ployment, and with some deployments being stretched out to 16 months, the stresses on their families are acute. Their children are at greater risk for depression, behavioral disorders, or academic problems. And long family separations often result in financial difficulties and troubled marriages.

To address this quiet crisis, today I am introducing legislation titled the Coming Together for Guard and Reserve Families Act. This bill does several things.

First, it expands and strengthens the existing family assistance program. We need to ensure that there is adequate professional staff to work with Guard and Reserve families and meet their special needs at every point of the deployment cycle—as they prepare for deployment, during the long absence, and during reunification and readjustment.

I am especially concerned that there are few resources for the families of Guard and Reserve members who are wounded or experience mental illness. My bill expands the VA's Disabled Transition Assistance program to ensure that family members have access to family counseling and mental health services during this critical time.

Children of deployed service members often react to parental separation with acting-out behaviors, anxiety, or depression. My bill calls for outreach to professionals who serve children—including school administrators and teachers—to alert them to the special needs of kids in military families, especially those with a parent deployed in a war zone.

Forty-one percent of Guard members and Reservists report symptoms of mental illness—including post-traumatic stress disorder—within 6 months of returning home from deployment. Currently, mental health information is distributed to service members when they return from deployment—and often that's it. But symptoms of PTSD may not appear for months after return. My bill will ensure that families receive mental health information 6 months post-deployment.

Finally, my bill creates a family-to-family mentoring program to enable military spouses to serve as peer counselors to other spouses and family members. It can be extremely valuable for a military spouse to consult with someone who has gone through a similar experience.

The role of our Guard and Reserve members in defending our national security abroad has significantly increased. In turn, we have an expanded obligation to care for their spouses and children, who are facing tremendous stresses, often alone and with no one to turn to.

The aim of my bill is to address the unmet needs of Guard and Reserve families before this becomes the kind of full-fledged crisis we witnessed at Walter Reed. I urge my colleagues to support this urgent and important legislation.

By Mr. DURBIN (for himself, Mr. BENNETT, Mrs. CLINTON, Mr. KERRY, and Mr. HARKIN):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to honor Dr. Muhammad Yunus for his contributions to the fight against global poverty.

Today, joined by my colleague Senator BENNETT of Utah as well as Senators CLINTON, KERRY and HARKIN, I introduced the Muhammad Yunus Congressional Gold Medal Act.

This bipartisan bill would award Dr. Yunus a Congressional Gold Medal in recognition of his efforts to fight poverty and promote economic and social opportunity.

Along with the Grameen Bank, which he founded, Dr. Yunus was awarded the Nobel Peace Prize in 2006 for developing the concept of microcredit. Through the Grameen system, Dr. Yunus created an economically sound model of extending very small loans, at competitive interest rates, to the very poor. Through this system, he has been transforming lives, one loan at a time.

He began in 1976 with a loan of just \$27, out of his own pocket, to 42 village craftspeople in Bangladesh. Over the past 30 years, his model has been emulated around the world.

I met Dr. Yunus on my first trip to Bangladesh, and there I saw firsthand the economic miracle that microcredit can help create.

Nearly half the world's population lives on less than \$2 a day. We can not hope to achieve lasting global peace and stability until we find a means by which the world's poorest can begin to lift themselves out of poverty.

The microcredit movement that Dr. Yunus pioneered has made enormous strides towards that goal. Over 125 million households have already been transformed by microcredit loans, and more are joining them every day.

Dr. Yunus' work has had a particularly strong impact on improving the economic prospects of women. Women disproportionately shoulder the burden of poverty. They also make up over 95 percent of microcredit borrowers.

I have long believed that if you want to predict the economic prospects of a country, ask how it treats its women. If a country sends its daughters to school, if its wives and mothers have economic and political rights and opportunities, then it is likely to prosper. But if it treats its women as second-class citizens, its chances for development diminish dramatically. Microcredit opens doors for women and in so doing it creates new opportunities for their sons and daughters alike.

Muhammad Yunus's work has also affected the lives of millions of Americans. Although Dr. Yunus launched his movement in 1976 in Bangladesh—a long time ago and a long way away—it

has come home to us here in America and is still relevant today.

There are now an estimated 21 million microentrepreneurs in the U.S., accounting for approximately 16 percent of private employment in the country. Over \$318 million worth of microloans have been made to American entrepreneurs in the past 15 years.

Culminating with his Nobel Peace Prize, Dr. Yunus has been recognized around the world as a leading figure in the effort to fight poverty and promote economic and social opportunity.

It is time that we properly recognize him here in Congress with our most distinguished honor.

Dr. Yunus would join a long and illustrious line of Congressional Gold Medal recipients that stretches back to 1776, when the award was created. Although most of the recipients have been American, many have not: Prime Minister Tony Blair, Pope John Paul II, and His Holiness, the Fourteenth Dalai Lama, are just a few. We hope that Dr. Yunus will join them.

I want to thank Senator BENNETT and my other colleagues for joining me today in honoring Dr. Yunus. Dr. Muhammad Yunus is a great man who deserves our admiration and our thanks.

Mr. President, 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. 903

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,000,000,000 people, mostly women and children, who live on less than \$1 a day, and the nearly 3,000,000,000 people who live on less than \$2 a day, and which has already reached 125,000,000 households, by one estimate;

(7) there are now an estimated 21,000,000 microentrepreneurs in the United States (accounting for approximately 16 percent of pri-

vate (nonfarm) employment in the United States), and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

Mr. KERRY. Mr. President, I rise today to recognize Dr. Muhammad Yunus. For those who don't already know, Dr. Yunus is a modest man of great ideas, now revered around the world, as the father of microcredit and the founder of the Grameen Bank. His concept of microcredit has helped thousands of people work their way out of poverty. For his work to beat global poverty, I am very proud to join my colleagues, Senators DURBIN and BENNETT, in introducing a bill to honor Dr. Yunus with a Congressional Gold Medal.

When I look at the success of Dr. Yunus's idea and the microenterprise programs it has inspired over the past 30 years, one thing that amazes me the

most is that it all began with a loan of 27 U.S. dollars. The beauty of microcredit is that such a small amount of money can have such tremendous and lasting effects to foster entrepreneurship among those who would not qualify for typical bank loans. By offering loans at competitive interest rates, or no interest, Dr. Yunus's Grameen Bank has been able to give individuals suffering from poverty the power to determine their own futures.

Last year, Dr. Yunus and his Grameen Bank were honored with a Nobel Peace Prize for his economic imagination. Dr. Yunus's innovation and entrepreneurship are certainly commendable and worthy of such an honor, as well as the distinction of a Congressional Gold Medal. In accepting his Nobel Peace Prize, Dr. Yunus challenged the world to think of an entrepreneur as not only being motivated by profit, but also by "doing good to people and the world."

The effectiveness of microcredit programs is evident by the success stories they have inspired all around the world. As chairman of the Small Business and Entrepreneurship Committee, I have seen first hand the power of microcredit in this country, through the SBA's—Small Business Administration's—microloan programs. In my home State of Massachusetts, Thondup and Dolma Tsering, two Tibetan refugees in the United States, were able to start their own restaurant in 2005, with assistance from the Massachusetts Small Business Development Center and financing from the Western Massachusetts Enterprise Fund. Through financing and support, otherwise not available to them from the banking community, they are now the successful owners of Lhasa Cafe in Northampton. As small business owners, the Tserings are socially responsible and support local farmers and their community.

From Dr. Yunus's first microloans to 42 entrepreneurs in Bangladesh in 1976, the concept of microcredit has come a long way. Here in the United States, where SBA has had a similar program since 1992, more than \$328 million in microloans have been made to deserving entrepreneurs.

I have long been a supporter of funding microloan programs, which offer current and potential small business owners the opportunity to achieve financial independence, financial security, and dignity through work. Sometimes they use it to work their way out of poverty, but sometimes they use it to patch together income when they need more money, lose a job, want to buy a house or car, or maybe pay for college or send a child to college. These entrepreneurs create jobs, provide services and products to our communities, and generate tax revenue to benefit the economy. Funding microloan programs not only makes economic sense; it makes social sense as well.

In spite of growing support for microloan programs, and in spite of the

return on investment to our economy, microenterprise does not get the support in this country that it does in other countries. In 2005, the administration provided approximately \$211 million for the development of foreign microenterprise programs through the Agency for International Development, USAID. In fiscal year 2006, we are told that the administration provided more than \$54 million for microloans in Iraq:

The efforts of the U.S. government in its assistance to Iraq have been broad based. . . . For example, over \$54 million in micro-loans have been disbursed, resulting in 26,700 loans in twelve cities, and the program is set to expand to even more areas. Also, a Loan Guarantee Corporation is currently being established to encourage private banks to make loans to small businesses.—Ambassador Zalmay Khalilzad, U.S. Ambassador to Iraq, May 9, 2006.

And for fiscal year 2007, we are told that the administration is requesting supplemental funding for Iraq that includes at least \$160 million for microloans.

We will help local leaders improve their capacity to govern and deliver public services. Our economic efforts will be more targeted on specific local needs with proven records of success, like micro-credit programs. And we will engage with leading private sector enterprises and other local businesses, including the more promising state-owned firms, to break the obstacles to growth.—Secretary of State Condoleezza Rice, Foreign Relations Committee hearing on the administration's plan for Iraq, January 11, 2007.

At the same time, the President has proposed for fiscal years 2005, 2006, 2007, and 2008 eliminating all funding for the SBA's microloan programs.

Today I not only honor and recognize the genius of Dr. Yunus, but also call attention to President Bush's lack of support for U.S. microloans and call on the administration to reverse its policy. If we can support microloans in Baghdad, we should support microloans in Boston, and every other city that's home to a would-be entrepreneur.

I am honored to add my name in support of Dr. Muhammad Yunus, and I am gratified to see the support he has received among my colleagues. But I also implore my colleagues to pay tribute to American entrepreneurs and to fund the SBA's microloan program. We must honor Dr. Yunus's ingenuity with more than words; we must honor him with our actions.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. CRAIG):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Small Business Opportunity Act of 2007. Senators PRYOR, CRAIG, and I are introducing this legislation to assist veterans and small businesses that employ Guard and reservists. Our bill improves the Small Business Administration's,

SBA's, Military Reservist Economic Injury Disaster Loan, MREIDL, program. Additionally, this bill increases procurement opportunities, capital access, and other types of business development assistance for veterans and service-disabled veterans.

We all know today's small business men and women play a vital role in the economic stability and prosperity of our Nation. Quite often, these same entrepreneurs are the veterans who have protected our Nation in years past, or who serve in the Armed Forces today. When our Nation's patriotic men and women are called to duty, they often leave behind thriving small businesses, and as a result, many of these businesses experience production slowdowns and lost sales, or incur additional expenses to compensate for an employee's absence.

In recent years, the Department of Defense has placed a greater reliance on our country's Guard and Reserve Forces. In fact, since September 2001, nearly 600,000 Guard and Reserve members have been called up in support of current operations, comprising nearly one-third of deployed service members in Iraq and Afghanistan. Furthermore, Guard and Reserve members were charged with assisting recovery efforts in the gulf coast region in the aftermath of Hurricanes Katrina and Rita.

In my 4 years as chair of the Senate Committee on Small Business and Entrepreneurship, and now as ranking member, I have fought to support our patriotic small businesses affected by the Guard and Reserve call-ups. My home State of Maine has one of the highest Guard and Reserve deployment levels in the country—over 50 percent have been deployed to Iraq and Afghanistan. In response to this I commissioned a Congressional Budget Office, CBO, study which found that 35 percent of Guard and reservists work for small businesses or are self-employed. In addition, the small businesses that employ them may be “paying” a disproportionate and unfair share of the burden of increased Guard and Reserve member call-ups. The burden is further magnified when it is the small business owner or a key employee who is deployed.

Our legislation will raise the maximum MREIDL amount from \$1,500,000 to \$2,000,000. A maximum military reservist loan amount of \$2,000,000 is the same level as many of the SBA's other loan programs, including: 7(a) loans, international trade loans, and 504 Certified Development Corporation loans that serve a public policy goal.

Currently, some of the SBA's contracting and business development programs have defined time limits for participation. If the firm's time for participation expires prematurely, then competitive opportunities, investments, and jobs become lost. Today, small business owners who get called-up to active duty in the National Guard or Reserve are effectively penalized because their active duty time is

counted against the time limitation participation in the SBA's programs. The Veterans Small Business Opportunity Act amends the Small Business Act by allowing small businesses owned by veterans and service-disabled veterans to extend their SBA program participation time limitations by the duration of their owners' active duty service after September 11, 2001.

Additionally, this bill will allow the SBA Administrator, either directly or through banks, to offer loans up to \$25,000 without requiring collateral from a loan applicant. Currently, the SBA offers military reservist loans up to \$5,000 without collateral. This provision would increase that level to eligible small businesses.

The bill will also require the Administrator to give military reservist loan applications priority for processing and ensure that Guard and Reserve members are adequately assisted with their loan application by incorporating the support and expertise of SBA entrepreneurial development partners, such as Small Business Development Centers and Veterans Business Outreach Centers.

This legislation increases the authorization of appropriations for the SBA's Office of Veteran Business Development to \$2 million for fiscal year 2008, \$2.1 million for fiscal year 2009 and \$2.2 million for fiscal year 2010. Increased funding for SBA's Office of Veterans Business Development help them better assist our Nation's veterans and provide the business services they need.

This legislation will also strengthen the access of veterans and service-disabled veterans to Federal contracts and subcontracts. Under the Small Business Act and the President's Executive Order 13360, Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting, Federal agencies must award at least 3 percent of prime contracts and subcontracts to small businesses owned by service-disabled veterans. The order states that, to achieve these goals, Federal agencies “shall more effectively” use the authorities in the Small Business Act to reserve and award contracts to service-disabled veterans. During the Senate Small Business and Entrepreneurship Committee hearing held in January, it became very clear that Federal agencies have been short-changing service-disabled veteran-owned small businesses to the tune of over \$7.5 billion a year in government contracts during fiscal year 2003 through fiscal year 2005. To remedy this unacceptable situation, our legislation puts the force of a congressional statute behind the requirements of the President's Executive order.

In addition, our legislation ensures that veterans and service-disabled veterans do not face confusing and duplicative red tape before they can be eligible to access the Federal procurement market. Currently, the Department of

Veterans Affairs and the SBA both operate registration databases for small businesses owned by veterans and service-disabled veterans. A veteran must often register in both databases to be properly considered for bidding. Surely, in this information age, we can have a better process. Registration data can easily be made to migrate from one database to the other. Our legislation requires that a single registration point for both of these databases be established within a year. Such one-stop registration must be reliable and compliant with statutory provisions concerning veteran and service-disabled veteran status certifications for small businesses.

To increase the capacity of service-disabled veteran-owned firms, my legislation permits the SBA, in cooperation with the Department of Veterans Affairs, to develop a business development assistance program, including mentor-protégé assistance, to be administered by the SBA. Our legislation contains a strict fairness requirement that any such program must be developed in such a way as to ensure success of other small business contracting programs. Within a year, the SBA is required to submit a report to Congress on its proposals for this program. In 2004, I succeeded in amending the Department of Defense Mentor-Protégé Program statute by expanding it to service-disabled veterans. Since then, over \$204 million in contracts and subcontracts have been awarded to service-disabled veteran-owned small businesses as a result of the \$17 million in mentor-Protégé assistance. This represents a stunning \$12 return for every \$1 in assistance investment. I believe the success of this initiative should be replicated. The SBA is already administering a Mentor-Protégé Program as part of the 8(a) business development program for small disadvantaged businesses, and both the SBA and the DOD programs would provide useful examples for helping our disabled veterans succeed.

Finally, our legislation creates an interagency task force among Federal agencies charged with improving procurement opportunities for service-disabled veterans. The scope of this task force will, in addition to procurement, include franchising, capital access, and other types of business development assistance. In examining the implementation of Executive Order 13360 and other veterans business development initiatives, our committee found that the responsible agencies were not talking to each other on a regular basis, and that no overall "game plan" was in place to coordinate various Federal efforts.

I would like to thank Senators PRYOR and CRAIG for working with me on this critical issue and I urge my colleagues to support this bill.

Mr. CRAIG. Mr. President, I rise to comment on a bill that is being introduced by Senator SNOWE today, the Veterans Small Business Opportunity

Act of 2007. I am proud to join with Senator SNOWE and Senator PRYOR as an original cosponsor of this important bill.

This legislation will benefit patriot "citizen-soldiers" who are called from their employment at America's small businesses to serve our country in uniform. In States across the Nation, small businesses are being affected by the mobilization of our Guard and Reserve personnel. In my home State, the Idaho National Guard's 116th Brigade Combat Team returned in 2005 from an 18-month deployment to Iraq. I visited members of the 116th while they were in Iraq and discovered that a good number had left jobs at small businesses across Idaho. I also held a hearing in Idaho during the 109th Congress to examine the reemployment rights of returning Guard and Reserve members.

At that hearing, it was emphasized that, although legal rights to reemployment are critical, they do little for those who have no employer, or no small business, to return to. To me, it was clear that we should do more to help small businesses in coping with the financial hardships of frequent and lengthy mobilizations of its employees or owners during the war on terrorism. I believe we can provide some of that needed assistance with this legislation, which includes key provisions from The Patriot Loan Act of 2006, a bill that Senator SNOWE and I introduced last year.

This bill would enhance the U.S. Small Business Administration's Military Reservist Economic Injury Disaster Loan, or MREIDL, Program. That program provides loan assistance to small businesses to help them meet ordinary and necessary operating expenses after essential employees are called to active duty in their roles as citizen-soldiers.

This bill would raise the maximum military reservist loan amount from \$1.5 million to \$2 million. It would also allow the Small Business Administration, by direct loan or through banks, to offer unsecured loans of up to \$25,000, an increase from the current \$5,000 limit. In addition, this bill would ensure proactive outreach to Guard and Reserve members about the MREIDL Program and other small business programs by requiring SBA and the Department of Defense to develop a joint Web site and printed materials with information about those programs.

For the brave men and women who serve our Nation in the Guard and Reserve, we must do what we can to ensure that their sacrifices do not place them in financial harm's way when they return home. I urge my colleagues to support these measures, and I thank Senator SNOWE for her leadership in introducing this bill.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage de-

pletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

Mr. INHOFE. Mr. President, the independent producers of oil and gas are the backbone of our domestic supply of energy. They have played and continue to play a critical role in meeting our domestic needs, especially as the big oil companies' focus mainly offshore. In fact, independents develop 90 percent of our Nation's wells. According to the Department of Energy, independent producers supply 68 percent of American oil production and 82 percent of overall American natural gas.

Therefore, I rise today to introduce legislation that eliminates the taxable income limit on percentage depletion for oil and natural gas produced from marginal wells; wells producing 15 barrels of day and less than 90 thousand cubic feet of natural gas.

Under current law, the percentage depletion method is limited to only independent producers and royalty owners. It is a form of cost recovery for capital initially invested toward production of oil and gas wells. Generally, the percentage depletion rate is 15 percent of the taxpayer's gross income from an oil and gas producing property and is limited to a daily average of 1,000 barrels of oil or 6,000 thousand cubic feet of natural gas. However, under the net income limitation, percentage depletion is limited to 100 percent of the net income from an individual property. In the case of marginal wells, where total deductions often do exceed this net-income, this limitation discourages producers from investing in the continued production from marginal wells.

As a result Congress has suspended the net-income limitation for 1998 through 2005; and again for 2006 and 2007, with the passage of the Tax Relief and Health Care Act of 2006, H.R. 6111.

My bill would simply clarify the policy by doing away with the taxable net income limitation altogether.

In my own State of Oklahoma, it is the small independents, basically mom-and-pop operations, producing the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells.

Because marginal wells supply such a significant amount of our oil and gas, it is vital we keep them in operation. According to the Energy Department, between 1994 and 2003, we lost 110 million barrels of crude oil due to plugged marginal wells. Thus, when we lose marginal wells, we become more dependent upon foreign sources of energy, at a time when virtually all agree that U.S. policies should encourage reliance upon domestic sources. Furthermore, we lose domestic jobs to foreign nations.

My bill would allow independents the necessary capital to continue to produce from these existing marginal wells—which is critical to the Nation's overall energy security. 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. 905

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

SECTION 1. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to oil and natural gas produced from marginal properties) is amended to read as follows:

“(H) NONAPPLICATION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. OBAMA (for himself and Ms. MURKOWSKI):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, I am pleased to be joined today by my esteemed colleague from Alaska, Ms. MURKOWSKI, in introducing the Mercury Market Minimization Act of 2007.

As most of us in this Chamber know, elemental mercury is a poisonous neurotoxin that can cause serious disability or death if ingested. Unfortunately, many people in the United States, and many millions more worldwide, do indeed ingest mercury—unintentionally, however, as a result of industrial emissions or practices, or poor waste management and storage techniques. When mercury enters into the environment, it often shows up in plants and animals, and that means a major source of mercury ingestion for humans comes as a result of eating certain types of fish. That, in turn, causes serious developmental problems in half a million children in our country, and similar health problems in adults, especially women at childbearing age.

Last year, an investigative report published in the *Chicago Tribune* outlined the extent of mercury contamination in fish. After concluding that the fish sampling efforts conducted by the Federal Government were limited and outdated, the *Tribune* conducted its own sampling, and the results showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by consumers in the Chicago region—higher levels than had been documented by the Federal Government. Mercury was found in both freshwater and saltwater species—tuna, swordfish, orange roughy, and walleye, to name a few examples. The *Tribune* also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For those of us who like fish, it causes us to pause when we first learn of the range of species with high mercury levels. For pregnant women and other at-risk groups, however, this doesn't just cause pause, it creates serious concerns about health consequences. Meanwhile, experts tell us that fish is an excellent source of critical nutrients and other compounds indispensable for good health. More of us should eat more fish.

So the real long-term solution is not to eat less fish, or to criticize those who commercially provide us with fish as food. It's not about issuing advisories, or printing labels on tuna cans, or posting placards at the supermarket, or creating inspection bureaucracies, or collecting statistics. If we're serious about eliminating mercury from fish, we need to reduce mercury in the environment.

Half of mercury settles where it is emitted, and the other half gets transported around the globe where we lose track of it, and it winds up in oceans, lakes, and rivers nowhere near mercury sources. From there, up it goes, through the food chain. If mercury is both local, and global, then the solution is not up to one state, or one nation, but up to all states and nations. The bill we introduce today was crafted based on that premise.

The Mercury Market Minimization Act, or M3 Act, establishes a ban on U.S. exports of mercury by the year 2010. Such a ban, when coupled with goal of the European Union to ban mercury exports by 2011, and the insufficient capacity in the world's mercury mines to respond, will result in a tightening of the global supply of commercially available elemental mercury in sufficient quantities that developing nations that still use mercury will be compelled to switch to the affordable alternatives that are already widespread in industrialized nations.

The M3 Act also requires those Federal agencies that now hold mercury in stockpiles to keep that mercury. Right now, the Department of Energy, and the Department of Defense, possess tons of mercury left over from various operations over the years. While it is the policy of these agencies to keep this mercury—not to sell it, not to transfer it, not to release it from their possession—it is not the law. The M3 act codifies these policies. In December of 2006, it was widely understood that the Department of Energy was considering the sale of its mercury stockpiles. After various inquiries into the matter, the Department of Energy ultimately announced that it would not sell its stockpiles. That underscores why a prohibition of stockpile sales must be enacted into law by the M3 act if we are to be assured that mercury remains safely stored, away from the environment, and not sold overseas to places where tracking and emissions and waste disposal laws may be inadequate.

Finally, the M3 Act calls for the creation of a committee to explore and

make recommendations on the issues associated with the development of a permanent repository of mercury collected as a result of an export prohibition. Mercury is not like spent nuclear fuel, or other substances that may create community concerns, in that when mercury is stored in stainless steel containers in refrigeration, it remains benign. Every community must be provided the opportunity to evaluate for themselves if and when mercury is stored nearby in secure and stable storage. I do believe, however, that when mercury is safely and permanently stored, it means less microscopic mercury on one's dinner plate, less mercury in our kids' tuna fish sandwiches, and less mercury in the air we breathe.

Last month, a United States delegation, led by the State Department, participated in an international meeting in Kenya, sponsored by the United Nations Environmental Programme, where world representative discussed how to reduce mercury pollution. Two years ago, the U.S. Government could have taken a bolder stance, and did not. This time, with the decision of the E.U. to ban mercury exports, the United States had an opportunity to partner with its allies to eliminate a major part of worldwide elemental mercury contamination. Again, the State Department did not.

It is not often that policy options, such as this, might be considered “low-hanging fruit”—in that a small act of international leadership by the United States government could have far reaching benefits for the health of our kids, as well as millions of low-income hardworking artisanal gold miners whom we will never meet. But the United States, so far, has not acted. This bill, the M3 bill, is designed to change that course and the mark the beginning of the end of a global market of an outdated and obsolete poison. I hope my colleagues will support this bill, and I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 906

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 “Mercury Market Minimization Act of 2007”.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of mercury exports globally;

(11) the European Union is in the process of enacting legislation that will prohibit mercury exports by not later than 2011;

(12) the United States is a net exporter of mercury and, according to the United States Geologic Survey, exported 506 metric tons of mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of mercury from the United States will have a notable effect on the market availability of mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

“(f) MERCURY.—

“(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

“(2) EXCEPTION.—Paragraph (1) shall not apply to a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act.”.

SEC. 4. PROHIBITION ON EXPORT OF MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by adding at the end the following:

“(c) PROHIBITION ON EXPORT OF MERCURY.—“(1) ELEMENTAL MERCURY.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

“(2) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

“(A) REPORT.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Mercury Market Minimization Act of 2007, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes.

“(ii) INCLUSIONS.—The report shall include an analysis of—

“(I) the sources and amounts of each mercury compound produced annually in, or imported into, the United States;

“(II)(aa) the purposes for which each of the compounds are used domestically;

“(bb) the quantity of the compounds currently consumed annually for each purpose; and

“(cc) the estimated quantity of the compounds to be consumed for each purpose during calendar year 2010 and thereafter;

“(III) the sources and quantities of each mercury compound exported from the United States during each of the preceding 3 calendar years;

“(IV) the potential for the compounds to be processed into elemental mercury after export from the United States; and

“(V) other information that Congress should consider in determining whether to extend the export prohibition to include 1 or more of those mercury compounds.

“(B) PROCEDURE.—

“(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of preparing the report under this paragraph, the Administrator may use the information gathering authorities of this title, including sections 10 and 11.

“(ii) EXCEPTION.—Subsection (b)(2) of section 11 shall not apply to activities under this subparagraph.

“(3) EXCESS MERCURY STORAGE ADVISORY COMMITTEE.—

“(A) ESTABLISHMENT.—There is established an advisory committee, to be known as the ‘Excess Mercury Storage Advisory Committee’ (referred to in this paragraph as the ‘Committee’).

“(B) MEMBERSHIP.—

“(i) IN GENERAL.—The Committee shall be composed of 9 members, of whom—

“(I) 2 members shall be jointly appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate—

“(aa) 1 of whom shall be designated to serve as Chairperson of the Committee; and

“(bb) 1 of whom shall be designated to serve as Vice-Chairperson of the Committee;

“(II) 1 member shall be the Administrator;

“(III) 1 member shall be the Secretary of Defense;

“(IV) 1 member shall be a representative of State environmental agencies;

“(V) 1 member shall be a representative of State attorneys general;

“(VI) 1 member shall be a representative of the chlorine industry;

“(VII) 1 member shall be a representative of the mercury waste treatment industry; and

“(VIII) 1 member shall be a representative of a nonprofit environmental organization.

“(ii) APPOINTMENTS.—Not later than 45 days after the date of enactment of this subsection, the Administrator, in consultation with the appropriate congressional committees, shall appoint the members of the Committee described in subclauses (IV) through (VIII) of clause (i).

“(C) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the

Committee shall hold the initial meeting of the Committee.

“(D) MEETINGS.—The Committee shall meet at the call of the Chairperson.

“(E) QUORUM.—A majority of the members of the Committee shall constitute a quorum.

“(F) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Committee shall submit to Congress a report describing the findings and recommendations of the Committee, if any, relating to—

“(i) the environmental, health, and safety requirements necessary to prevent—

“(I) the release of elemental mercury into the environment; and

“(II) worker exposure from the storage of elemental mercury;

“(ii) the estimated annual cost of storing elemental mercury on a per-pound or per-ton basis;

“(iii) for the 40-year period beginning on the date of submission of the report, the optimal size, number, and other characteristics of Federal facilities required to store elemental mercury under current and anticipated jurisdictions of each Federal agency;

“(iv) the estimated quantity of—

“(I) elemental mercury that will result from the decommissioning of mercury cell chlor-alkali facilities in the United States; and

“(II) any other supplies that may require storage to carry out this Act;

“(v) for the 40-year period beginning on the date of submission of the report, the estimated quantity of elemental mercury generated from the recycling of unwanted products and other wastes that will require storage to comply with the export prohibitions under this Act;

“(vi) any legal, technical, economic, or other barrier that may prevent the private sector from storing elemental mercury produced by the private sector during the 40-year period beginning on the date of submission of the report, including a description of measures to address the barriers;

“(vii) the advantages and disadvantages of consolidating the storage of mercury produced by public and private sources under the management of the public or private sector;

“(viii) the optimal plan of the Committee for storing excess mercury produced by public and private sources; and

“(ix) additional research, if any, required to determine a long-term disposal option for the storage of excess mercury.

“(G) COMPENSATION OF MEMBERS.—

“(i) IN GENERAL.—

“(I) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

“(II) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

“(ii) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

“(H) STAFF AND FUNDING.—The Administrator shall provide to the Committee such funding and additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

“(I) TERMINATION.—The Committee shall terminate 180 days after the date on which the Committee submits the report of the Committee under subparagraph (F).

“(4) INAPPLICABILITY OF UNREASONABLE RISK REQUIREMENT.—Subsection (a) shall not apply to this subsection.”.

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Gestational Diabetes Act of 2007 with my colleague Senator COLLINS, to bring attention to an important health issue facing women and children.

I don't need to tell anyone that we have an obesity epidemic in the United States. Many of us realize that as parents, it is our responsibility to pass on good nutritional habits to our children. But many women may not realize that watching what you eat, exercising regularly, and having control of your blood sugar levels are serious health considerations during pregnancy. In fact, these factors are serious enough that they can affect both the health of the mother and the life of the child into adulthood.

More women than ever are entering their pregnancies overweight but without an understanding of how their own weight and nutritional habits can trigger gestational diabetes—a type of diabetes that only occurs during pregnancy. Women who are overweight before pregnancy are not only at greater risk of having gestational diabetes but are also more likely to have a c-section and are at an increased risk for other serious pregnancy complications.

In New York, gestational diabetes is on the rise. In New York City alone, gestational diabetes has risen by nearly 50 percent in about 10 years. This means that gestational diabetes affects 1 in 25 women, about 400 women per month. But across the Nation, between 4 and 8 percent of pregnant women in the United States are affected by gestational diabetes. Infants of women who have gestational diabetes are at increased risk for obesity and developing type 2 diabetes as adolescents or adults.

As women, we need to pay attention to our health. We are always worrying about the health of our children, our husbands, and our parents, but we often forget to take care of ourselves.

Today, I am introducing the Gestational Diabetes Act, also known as the GEDI Act. This legislation will increase our understanding of gestational diabetes by determining the factors that contribute to this condition and help mothers who had gestational diabetes reduce their risk of developing type 2 diabetes post-pregnancy.

The GEDI Act will provide funding for projects to assist health care providers, as well as for communities to find ways to reach out to women so that they understand how their own good health during pregnancy can decrease serious health risks for their children.

The GEDI Act would expand research to determine and develop interventions to lower the incidence of gestational diabetes. We need to alert women to the risk before this condition becomes an epidemic and, as we have seen so many times before, education is critical.

We should be doing everything we can to address the impact of obesity during pregnancy and to reduce the prevalence of gestational diabetes in pregnant women. The GEDI Act is an important step in assuring that women understand this critical issue and that we fully understand how to equip pregnant women to make the best choices for their health.

The GEDI Act is supported by the American Diabetes Association, American College of Obstetricians and Gynecologists, National Research Center for Women & Families, International Community Health Services, American Association of Diabetes Educators, and the American Association of Colleges of Pharmacy.

By Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. CLINTON):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today is designed to make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

Since July 1, 2006, most U.S. citizens and nationals applying for or renewing their Medicaid coverage face a new Federal requirement to provide documentation of their citizenship status. Recent reports indicate that tens-of-thousands of U.S. citizens, and in particular children, inappropriately are being denied Medicaid benefits simply because they don't have access to newly required documentation. The articles below and report by the Center on Budget and Policy Priorities highlight this very serious problem. Hospitals, physicians, and pharmacies may not be willing to treat these individuals until they have a source of payment, but they cannot qualify for Medicaid until they produce a birth certificate and ID.

This new Federal requirement was added to Medicaid by the Deficit Reduction Act of 2005, DRA, enacted February 8, 2006. The Tax Relief and

Health Care Act of 2006, TRHCA, signed into law December 20, 2006, included some amendments to the DRA citizenship documentation requirement, primarily to exempt certain groups. Prior to enactment of the DRA, States were permitted to use their discretion in requiring such citizenship documentation.

Under Section 6036 of the DRA, citizens applying for or renewing their Medicaid coverage must provide “satisfactory documentary evidence of citizenship or nationality.” The DRA specifies documents that are acceptable for this purpose and authorizes the HHS Secretary to designate additional acceptable documents. No Federal matching funds are available for services provided to individuals who declare they are citizens or nationals unless the State obtains satisfactory evidence of their citizenship or determines that they are subject to a statutory exemption.

It is important to note that citizenship documentation requirements do not affect Medicaid rules relating to immigrants—they apply to individuals claiming to be citizens. Most new legal immigrants are excluded from Medicaid during their first 5 years in the U.S. and undocumented immigrants remain eligible for Medicaid emergency services only.

The legislation I am introducing would make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

First, the legislation would restore citizenship verification to a State option. Specifically, States would be permitted to determine when and to what extent citizenship verification is required of U.S. Citizens. States would also be permitted to utilize the standards most appropriate to the their population as long as such standards were no more stringent than those currently used by the Social Security Administration and includes native American tribal documents when appropriate.

Second, the legislation would ensure that individuals are afforded a reasonable time period to provide citizenship documentation utilizing the same reasonable time period standard that is available to legal immigrants to provide satisfactory evidence of their immigration status.

Third the legislation protects children who are U.S. citizens by virtue of being born in the United States from being denied coverage after birth because of citizenship verification requirements.

Fourth, the legislation also clarifies ambiguities in federal law to ensure that these citizen children, regardless of the immigration status of their parents, are treated like all other low-income children born in the United States and are deemed eligible to receive Medicaid services for one year.

Finally, the legislation also ensures that the thousands of citizen children and adults, who were erroneously denied Medicaid coverage, may receive

retroactive Medicaid eligibility for coverage they were inappropriately denied because of citizenship verification requirements.

I urge my colleagues in the Senate to support this critical legislation, which protects low-income U.S. citizens from being inappropriately denied Medicaid coverage because of lack of documentation.

I ask unanimous consent that the text of the bill and supporting documentation 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. 909

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

SECTION 1. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

- (1) by inserting “(A)” after “(46)”;
- (2) by adding “and” after the semicolon; and
- (3) by adding at the end the following new subparagraph:

“(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or re-determining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));”.

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

- (1) in subsection (i)—
- (A) in paragraph (20), by adding “or” after the semicolon;
- (B) in paragraph (21), by striking “; or” and inserting a period; and
- (C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

- (A) by striking paragraphs (1) and (3);
- (B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking “paragraph (1)” and inserting “section 1902(a)(46)(B)”;

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

“(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.”.

SEC. 2. CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.

Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by section 1(c)(2), is amended—

- (1) in paragraph (1)—
- (A) in subparagraph (C), by striking “or” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or”;

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

“(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.”.

SEC. 3. EFFECTIVE DATE.

(a) RETROACTIVE APPLICATION.—The amendments made by this Act shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(b) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by sections 1 and 2, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

[From the Associated Press, Nov. 29, 2006]

KS: SEBELIUS: NEW MEDICAID RULES COULD COST STATE MILLIONS

(By John Hanna)

The state could face millions of dollars in additional costs because of federal rules requiring Medicaid recipients to verify their citizenship, Gov. Kathleen Sebelius said Wednesday.

Sebelius said she's worried the state will have to pick up the full cost of caring for some poor, frail and elderly Kansans who are living in nursing homes, instead of sharing the cost with the federal government. Also, she said, she will propose adding state employees to verify the citizenship status of Medicaid recipients and applicants.

The governor told reporters she hopes Congress reviews the issue and other attempts to prevent illegal immigrants from obtaining social services or using driver's licenses as identification.

“There was no input from the states on how realistic these were or what the cost was,” Sebelius said during a brief news conference following an unrelated meeting.

Under Medicaid requirements that took effect July 1, recipients must provide either a passport or two other documents, such as a birth certificate and a driver's license, to verify citizenship.

While the measure is targeted at illegal immigrants, some advocates for the needy have worried that citizens will either lose or be denied services because they have trouble finding the necessary documents.

State officials say the number of Kansans covered by Medicaid dropped almost 7 percent since July 1, down to 253,000 from 271,000. They believe much of the decline can be attributed to the new requirements.

Typically, every \$1 the state spends on Medicaid is matched by about \$1.50 from the federal government. If someone loses their coverage, then the state faces paying the entire bill for their services, Sebelius said.

“You're at 100 percent state dollars or push them out the door,” she said.

Also, Sebelius said, the state needs to “ramp up” its staffing to handle the additional verification work. The governor is working on the budget proposal she'll submit to the 2007 Legislature, which convenes Jan. 8.

“We're certainly going to put some of them in place,” she said. “We're trying to make a careful analysis of how many we need.”

She said that if the state refuses to comply with the law, it could face the loss of all federal health care dollars.

“We don't have a lot of latitude to say we're not going to do this,” she said. “There are literally hundreds of millions of dollars at stake.”

Meanwhile, Sebelius expressed concern about a federal law on driver's licenses passed last year.

Starting in 2008, federal agencies won't treat a state's licenses as valid ID unless a state requires license applicants to document that they're living in the United States legally. Lack of ID could prevent someone from entering a federal building or boarding a plane.

Sebelius said the law will require local driver's licenses offices to certify that someone has the proper documentation and to store the information.

“Exactly how that's going to happen, we're not quite sure,” Sebelius said. “We don't basically have any of the equipment that's required to do that in any of the rural areas.”

[From the Associated Press, Nov. 29, 2006]
**KS: THOUSANDS IN KANSAS OFF MEDICAID
 FOLLOWING CITIZENSHIP RULES**

Thousands of low-income Kansans have lost or been denied state health care coverage because of new rules requiring them to prove they are American citizens, state officials say.

Since the federally mandated rules took effect July 1, the number of Medicaid recipients in Kansas has decreased by about 18,000, to 253,000. While officials can't determine exactly how much of the 7 percent drop can be attributed to the new rules, they believe much of it can.

"The impact to the consumer has been severe," said John Anzivino, a vice president for MAXIMUS, a Reston, Va., company that helps administer the joint federal-state Medicaid program in Kansas. "From our perspective, this has possibly been the most dramatic change and challenge to the Medicaid program since its inception."

The new rules were included in last year's federal deficit reduction law and were designed to prevent illegal immigrants from enrolling in the state programs providing health coverage.

But consumer advocates said many vulnerable people who legitimately were eligible for assistance would lose coverage because they couldn't produce the necessary documentation.

"We expect that many of these that have lost coverage will regain coverage once they have gathered and provided the necessary documentation," Marcia Nielsen, executive director of the Kansas Health Policy Authority, told the Lawrence Journal-World. "They will, however, experience a gap in coverage that could prove to be significant for some."

Medicaid applicants can prove their citizenship by providing a passport. Or they can provide other documents that verify both their citizenship, such as a birth certificate, and their identities, such as a driver's license.

Anzivino said most people seeking benefits don't have a passport and are left scrambling to find birth certificates and other documents.

The number of calls each month to a Kansas Medicaid clearinghouse has more than doubled to 49,000 from 23,000, official said.

Meanwhile, Rep. Dennis Moore, a Democrat whose district is centered on the state's portion of the Kansas City area, said federal officials were aware of states' problems with the new rules and probably would work on it when the new Congress takes office in January.

[From the Baltimore Sun, Jan. 22, 2007]

**MD: MEDICAID CALLED HARDER FOR POOR;
 HEALTH ADVOCATES FEAR DOCUMENT RULES
 CAUSE MANY TO LOSE COVERAGE**

(By Kelly Brewington)

Public health advocates fear that a new federal regulation requiring Medicaid applicants to supply proof of identity and citizenship has resulted in thousands of poor Marylanders losing their health insurance.

The requirement, part of the federal Deficit Reduction Act that went into effect in Maryland in September, was designed to prevent illegal immigrants from fraudulently receiving Medicaid, the nation's premier health insurance program for the poor.

But advocates and health officers in some Maryland counties insist the rule has burdened citizens who need health care the most and is likely responsible for thousands of Marylanders being kicked off the Medicaid rolls.

"It's a completely unnecessary law and Congress made a big mistake in passing it,"

said Laurie Norris, an attorney with the Public Justice Center. "The people who are on Medicaid in Maryland are supposed to be on Medicaid."

The announcement of the regulations last June sparked an uproar among advocates and state health officials, who were given a July 1 deadline to enforce the mandate or risk losing federal funding. The officials complained they were not given enough time to train staff and inform Maryland's approximately 650,000 affected Medicaid recipients that they must furnish such identification as birth certificates, driver's licenses and passports.

Nationwide, advocates feared huge enrollment declines, saying many of Medicaid's neediest recipients don't possess the necessary documents and would have to struggle to come up with the money to obtain them. Maryland, for instance, does not automatically issue birth certificates, which may be ordered for \$12.

Last summer, the federal government exempted from the requirement elderly and disabled Medicaid recipients who receive Supplemental Security Income from Social Security, and last month it extended the exemption to foster children. Still, states such as Virginia, Iowa, Wisconsin and New Hampshire noted plunging Medicaid enrollment figures and backlogs related to the regulation, according to a report released earlier this month by the Kaiser Family Foundation's Commission on Medicaid and the Uninsured. In Virginia, 12,000 children have been dropped from Medicaid rolls in the requirement's first four months of implementation, the report stated.

In Maryland, Medicaid enrollment numbers are down overall, but state health officials say they are unsure whether the drop is due to the new rule, a point that has frustrated county health officers eager for evidence of the regulation's impact that they could use to push for change.

From August through December 2006, the state Department of Health and Mental Hygiene recorded about 6,000 fewer Medicaid enrollees statewide compared with the same period in 2005. Maryland officials say the enrollment computer system is not configured to determine the exact cause of the decline.

"It is imperative that the state disclose data to demonstrate the impact of this law," said Dr. Joshua Sharfstein, Baltimore health commissioner. "There are warning signs that a major erosion in health coverage could be happening as a result of this new law. This is really concerning. . . ."

Charles Lehman, who oversees eligibility issues in the state's Medicaid office, said the agency has concentrated its limited resources on "keeping people on Medicaid rather than tracking the people going off."

"It may not sound like we are doing everything we can, but really, we are, with the resources we have," he said. "It's not just the clients, not just the caseworkers, everyone has been impacted by this."

Officials said while applicants are typically allowed a 30-day grace period, caseworkers will not discontinue the insurance if applicants are "making a good-faith effort" to obtain the documents.

"I think we have done a good job applying the law appropriately but not in a way that arbitrarily cuts people off," said Lehman. "We have made our best effort to keep people on."

The department has spent \$1 million for a toll-free number to help applicants, 866-676-5880.

The state health department has also partnered with other state databases to verify the citizenship and identity of beneficiaries, without requiring recipients to hand over documents. In July, the agency

searched birth certificate records for about 600,000 Medicaid enrollees at the cost of \$12 per search, said Lehman.

But the effort has not gone as smoothly as hoped, said Norris, with the Public Justice Center. For instance, the databases are not automatically synched—staff must print out the information and check it by hand.

"The state has been severely hampered in information technology," she said.

Norris alerted state lawmakers to the problem at a briefing in Annapolis last week. The problems come during a push by advocates and some lawmakers and business groups to expand Medicaid and help about 780,000 uninsured Marylanders.

Officials with local agencies have increased outreach and said they have allowed people extra time to provide the documents they need.

Nevertheless, in Anne Arundel County, for example, denial rates for the state's Medicaid program for pregnant women and children have jumped from an average of 18 percent from June through December 2005 to 42 percent for the same period in 2006.

"It's really shocking," said Frances Phillips, the county's health officer. "This is so serious because the people we are talking about are either children with no insurance and no way to access health care, or pregnant women."

Many applicants eventually produce the documents and get back on Medicaid, Phillips noted. But for vulnerable populations, any discontinuation in coverage can be harmful, she said.

A health department program in which nurses make home visits to women with at-risk pregnancies has focused on educating women on the documentation. "We just feel that this is so critical," said Phillips. " . . . We touch base with the women, find out what is going on with them and make sure they get insurance."

In Baltimore, outreach workers with Baltimore HealthCare Access Inc., which assists some of the city's estimated 200,000 Medicaid enrollees, are making home visits and contacting state agencies on applicants' behalf.

The agency received \$5,000 from the Abell Foundation to help applicants cover the cost of documents.

"We are plowing away that money pretty quickly," said Kathleen Westcoat, the organization's president.

The funding helped Brenda Kent, 36, pay for her birth certificate last month. She lost her wallet two months before she was due to apply for Medicaid benefits for herself, her twin sons and a daughter.

"I didn't know how I was supposed to get it," said Kent, who does not work. "If they didn't help me with the cost, it would have taken me longer to do it."

[From the Associated Press, Sept. 1, 2006]

**NC: U.S. CITIZENSHIP PROOF REQUIRED FOR
 MEDICAID IN N.C.**

A requirement that Medicaid recipients in North Carolina prove they hold U.S. citizenship probably won't uncover a large amount of fraud, a state official says.

Starting Sept. 1, new Medicaid applicants and nearly every current beneficiary must provide documentation of their citizenship as part of a new federal law designed to prevent illegal immigrants from receiving the health care coverage.

"I would be very surprised if we had a problem in our state with any large number of people receiving benefits who were not entitled to receive them," said Mark Benton, senior deputy director for the state Division of Medical Assistance.

The law was to have taken effect nationwide July 1, but North Carolina delayed its start while it prepared for the changes.

Under the old rules, social services workers were supposed to ask applicants about their citizenship status. They were permitted to accept an applicant's word unless there was reasonable doubt.

Now, the person seeking Medicaid will have to provide a U.S. passport, or an original birth certificate with a driver's license, or other combinations of eligible documents.

Regardless of citizenship, people who need emergency care will continue to receive it through Medicaid, although this type of care is for a limited time period.

Officials say there is no way to know how many illegal immigrants are on Medicaid. Some argue illegal immigrants aren't enrolling in large numbers in a government program like this for fear of being deported.

Illegal immigrants received emergency care of nearly \$53 million in 2005, more than double the amount from 2000, according to the division.

The changes nationwide will save Medicaid, the government-run health care program for the poor and disabled, about \$735 million by 2015, according to Congressional Budget Office estimates.

CHILDREN DROPPING OFF MEDICAID ROLLS

(AP) For several years, there has been a steady increase in the number of children enrolling in Virginia's health insurance program for the poor. Beginning July 1, state officials say, an unprecedented slide began.

Over the following five months, about 12,000 children dropped off the state's Medicaid rolls.

"An entire year's growth has been wiped out," said Cynthia Jones, chief deputy director for the state's Department of Medical Assistance Services.

The drop-off, Jones points out, began about the time a new federal law took effect. The law states that U.S. citizens applying for Medicaid or renewing their participation must present proof of their citizenship and identity. The law emerged out of concern that illegal immigrants were obtaining access to health insurance coverage sponsored by the government.

But some officials say that's not who is losing coverage.

Besides Virginia, some other states are also reporting declines in children enrolled in Medicaid or a decline in applications. They include Iowa, Louisiana, New Hampshire and Wisconsin. Health researchers say they don't know if the states are representative of a nationwide pattern.

The states singled out as experiencing enrollment declines were included in a report issued Tuesday by the Kaiser Family Foundation, which conducts health research, and by the Center on Budget and Policy Priorities, a liberal think tank.

The states experiencing declines are adamant that U.S. citizens and certain legal immigrants are dropping off the Medicaid rolls, not illegal immigrants.

"There is no evidence that the decline is due to undocumented aliens leaving the program," said Anita Smith of the Iowa Department of Human Services. "Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

Medicaid is a health insurance program serving about 55 million people that is financed by the federal government and the states. The declines cited would indicate that just a fraction of the people enrolled in the program have dropped out as a result of the documentation requirements, but they do represent vulnerable populations, such as pregnant women and children.

"We've delayed coverage for those children, and if those children need medical care, there's going to be ramifications for them," said Donna Cohen Ross, outreach director for the Center on Budget and Policy Priorities.

But the agency that oversees Medicaid questioned claims that would link enrollment declines to the new documentation requirements.

"We believe we've given the states tools they need to both implement the law and provide sufficient flexibility to assist individuals in establishing their citizenship," said Jeff Nelligan, spokesman for the Centers for Medicare and Medicaid Services. "We continue to monitor state implementation and are not aware of any data that shows there are significant barriers to enrollment."

"If states are experiencing difficulties, they should bring them to our attention as we certainly want to understand why they are not using the flexibilities we have provided."

After Congress passed the documentation requirements, Medicaid officials released rules that established which documents would suffice in meeting the law.

Primary evidence, namely a U.S. passport or a certificate of U.S. citizenship, is considered the ideal. Secondary evidence or lower-tier evidence must be accompanied by a document showing identity. Such evidence includes birth certificates, insurance records, and as a last resort, written affidavits.

Original documents or copies certified by the issuing agency are required by the regulation. Copies are not acceptable. The federal government excluded millions of seniors and disabled people from the new documentation requirements. In December, Congress also approved an exception for foster children.

NEW MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENT IS TAKING A TOLL: STATES REPORT ENROLLMENT IS DOWN AND ADMINISTRATIVE COSTS ARE UP

(By Donna Cohen Ross)

INTRODUCTION

A new federal law that states were required to implement July 1 is creating a barrier to health-care coverage for U.S. citizens—especially children—who are eligible for health insurance through Medicaid. The new law, a provision of the Deficit Reduction Act of 2005, requires U.S. citizens to present proof of their citizenship and identity when they apply for, or seek to renew, their Medicaid coverage. Prior to enactment of the law, U.S. citizens applying for Medicaid were permitted to attest to their citizenship, under penalty of perjury.

In the six months following implementation of the new requirement, states are beginning to report marked declines in Medicaid enrollment, particularly among low-income children. States also are reporting significant increases in administrative costs as a consequence of the requirement.

This analysis presents the data available so far on this matter. The available evidence strongly suggests that those being adversely affected are primarily U.S. citizens otherwise eligible for Medicaid who are encountering difficulty in promptly securing documents such as birth certificates and who are remaining uninsured for longer periods of time as a result.

The new requirement also appears to be reversing part of the progress that states made over the past decade in streamlining access to Medicaid for individuals who qualify, and especially for children. For example, to improve access to Medicaid and reduce administrative costs, most states implemented mail-in application procedures, and many states reduced burdensome documentation

requirements. The new Medicaid citizenship documentation requirement now appears to be pushing states in the opposite direction, by impeding access to Medicaid. Families must furnish more documentation and may be required to visit a Medicaid office in person to apply or renew their coverage, bypassing simpler mail-in and on-line enrollment opportunities, because they must present original documents such as birth certificates that can take time and money to obtain. This is likely to cause the most difficulty for working-poor families that cannot afford to take time off from work to visit the Medicaid office and for low-income families residing in rural areas.

The new citizenship documentation requirement—which the Bush Administration did not request and the Senate initially did not adopt, but which the House of Representatives insisted upon in conference—was presented by its proponents as being necessary to stem a problem of undocumented immigrants securing Medicaid by falsely declaring themselves to be U.S. citizens. The new requirement was adopted despite the lack of evidence that such a problem existed. In response to a report in 2005 by the Inspector General of the Department of Health and Human Services, Mark McClellan, then the Administrator of the Centers for Medicare and Medicaid Services at HHS, noted: "The [Inspector General's] report does not find particular problems regarding false allegations of citizenship, nor are we aware of any."

IMPACT OF THE CITIZEN DOCUMENTATION REQUIREMENT ON MEDICAID APPLICANTS AND BENEFICIARIES: THE EARLY EVIDENCE

Medicaid enrollment figures for all states for the period since the new requirement was implemented on July 1 are not yet available. By contacting several individual states that do have such data, however, we were able to secure enrollment information from Wisconsin, Kansas, Iowa, Louisiana, Virginia and New Hampshire. The data show the following:

All six states report a significant drop in enrollment since implementation of the requirement began.

Medicaid officials in these states attribute the downward trend primarily or entirely to the citizenship documentation requirement.

Two types of problems are surfacing:

Medicaid is being denied or terminated because some beneficiaries and applicants cannot produce the specified documents despite, from all appearances, being U.S. citizens; and

Medicaid eligibility determinations are being delayed, resulting in large backlogs of applications, either because it is taking time for applicants to obtain the required documents or because eligibility workers are overloaded with the new tasks and paperwork associated with administering the new requirement.

Some states have designed mechanisms specifically to track enrollment changes resulting from the new procedures. Wisconsin, for example, has established computer codes to distinguish when Medicaid eligibility is denied or discontinued due to a lack of citizenship or identity documents. In other states, a comparison of current and past enrollment trends strongly suggests that the new requirement is largely responsible for the enrollment decline. For example, in many states aggressive "back to school" outreach activities conducted in August and September usually result in increased child enrollment in September and October. In 2006, however, states such as Virginia and Louisiana reported that child enrollment declined despite vigorous promotional campaigns, indicating that the new requirement undermined the value of the outreach efforts.

The Medicaid enrollment declines identified in this memo do not appear to be driven by broader economic trends or a change in the employment of low-income families. If that were the case, parallel enrollment decline trends would appear in the Food Stamp Program, which is the means-tested program whose enrollment levels are most responsive to such developments. Instead, Food Stamp caseloads have been increasing slightly in recent months. Moreover, each of the states identified in this memo as having sustained a drop in Medicaid enrollment saw its food stamp caseload rise during a similar period.

Both Medicaid and the Food Stamp Program serve similar populations of low-income families and are often administered by the same agencies and caseworkers. A key difference is that the citizenship documentation rules were applied to Medicaid but there were no such changes in the Food Stamp Program. It thus appears that the changes in Medicaid enrollment are a result of changes in Medicaid policies—particularly citizenship documentation—that do not affect eligibility for food stamps.

The following states have documented declines in Medicaid enrollment since the implementation of the Medicaid citizenship documentation requirement:

Wisconsin: In five months—between August and December 2006—a total of 14,034 Medicaid-eligible individuals were either denied Medicaid or lost coverage as a result of the documentation requirement. The loss of Medicaid coverage occurred despite Wisconsin's efforts to minimize the impact of the requirement by obtaining birth records electronically from the state's Vital Records agency. Obtaining proof of identity, rather than proof of citizenship, was the major problem for people in Wisconsin who were otherwise eligible during this period: 69 percent of those who were denied Medicaid or who lost Medicaid coverage due to the new requirement did not have a required identity document, as compared to 17 percent who did not provide the required citizenship documents and 14 percent who were missing both a citizenship and identity document. This indicates that most of those who were denied were, in fact, U.S. citizens.

Kansas: The Kansas Health Policy Authority (KHPA) reports that between 18,000 and 20,000 applicants and previous beneficiaries, mostly children and parents, have been left without health insurance since the citizenship documentation requirement was implemented. About 16,000 of these individuals are "waiting to enroll" or "waiting to be re-enrolled;" the state says these eligibility determinations are being delayed because of a large backlog of applications related to the difficulties confronting individuals and eligibility workers alike who are attempting to comply with the new rule. Documents on the KHPA website state that the "majority of families with pending applications will qualify for coverage under the new requirements when we are able to complete processing." In the meantime, these children and parents are barred from getting the health coverage for which they qualify and are, in most cases, uninsured.

Iowa: Iowa has identified an unprecedented decline in Medicaid enrollment that state officials attribute to the Medicaid citizenship documentation requirement. Prior to July 1, 2006, overall Medicaid enrollment had steadily increased for the past several years. While sporadic declines occurred in rural counties, no county in the state's larger population centers experienced a decline in the months leading up to the implementation of the new requirement. However, between July and September 2006, Medicaid enrollment sustained the largest decrease in the past five years; this also was the first time in five

years that the state has experienced an enrollment decline for three consecutive months.

Although other factors may contribute to the recent decrease in enrollment, state officials point out the state is now experiencing a more severe effect on enrollment than it has following any of the Medicaid changes that have occurred over the past several years. The state's conclusion that the citizenship documentation requirement is driving the decline is supported by the fact that enrollment has dropped among the populations subject to the requirement (children and families) but has remained steady among groups not affected by the requirement (individuals receiving Medicare and SSI).

Louisiana: In two months—September and October of 2006—Louisiana experienced a net loss of more than 7,500 children in its Medicaid program despite a vigorous back-to-school outreach effort and a significant increase in applications during the month of September.

According to state officials, the enrollment decline is not driven by population loss from Hurricane Katrina and contrasts dramatically with enrollment spikes that usually occur in September and have reached up to 13,000 in the past. The reason for the drop-off is two-fold, according to the state: for some people, Medicaid is being denied or terminated because they have not presented the required citizenship or identity documents. In addition, the additional workload generated by the new requirement is diverting the time and effort eligibility workers normally would spend on activities to ensure that Medicaid beneficiaries do not lose coverage at renewal.

Virginia: Since July, enrollment of children in the state's Medicaid program has declined steadily each month. By the end of November, the total net decline stood at close to 12,000 children. During the same period, enrollment of children in the state's separate SCHIP program, not subject to the new requirement, increased. Virginia also reported a substantial backlog in application processing at its central processing site, with 2,600 cases pending approval for Medicaid in September, when normally no more than 50 such cases are pending at the end of a month.

After the plunge in children's Medicaid enrollment over several months, a small increase occurred in December 2006 (although Medicaid enrollment for children then began dropping again in January). State officials say the December "up-tick" suggests that some families are finally "getting over the hurdles" imposed by the new law and children (who were eligible at the time they applied but lacked the required documentation) are getting health coverage after a significant delay during which they were without coverage.

New Hampshire: Data from the New Hampshire Healthy Kids Program, a private organization that processes mail-in applications for the state's Medicaid and SCHIP programs, indicate that the percentage of applications submitted with all necessary documents in September of this year dropped by almost half compared to the percentage of complete applications submitted in September 2005. If applicants do not supply missing documentation within 28 days, New Hampshire closes the application. The percentage of applications closed due to missing documents has also increased significantly: from around 10 percent of applications before the new requirement to 20 percent in August 2006. In addition, New Hampshire Healthy Kids reports that between June 2006 and September 2006, enrollment of children in Medicaid dropped by 1,275.

IMPACT ON STATE ADMINISTRATIVE COSTS

Data on state Medicaid administrative costs for the months since July 1 are not available from CMS or any other national source. Several states, however, have examined the impact of the new Medicaid citizenship documentation requirement on their administrative expenditures. Their findings are as follows:

Illinois: Illinois is projecting \$16 million to \$19 million in increased staffing costs in the first year of implementation of the requirement.

Arizona: The Arizona legislature has allocated \$10 million to implement the citizenship documentation requirement. This included the costs associated with staffing, training and payments for obtaining birth records.

Colorado: The FY07-08 budget request for the Colorado Department of Health Care Policy and Financing includes a request for an additional \$2.8 million for county administration costs. This request is based on an assumption by the Centers for Medicare and Medicaid Services (CMS) that it will take an additional 5 minutes per application for a caseworker to process citizenship and identity documents. The Department stated in a Joint Budget Committee Hearing that this amount "may not be sufficient for Colorado counties and special record storage needs."

Washington: Washington State is projecting additional costs associated with hiring 19 additional FTEs in FY07 due to the new requirement, and retaining seven of them in FY08 and FY09. The state estimates that the costs will be \$2.7 million on FY07 and \$450,000 in each of the succeeding two years.

Wisconsin: Wisconsin is expecting increased costs of \$1.8 million to cover the increased workload associated with administering the requirement in FY07 and \$600,000 to \$700,000 per year for the two years after that.

Minnesota: Minnesota is estimating that it will spend \$1.3 million in FY07 for new staff, birth record fees and other administrative expenses.

CONCLUSION

Based on these findings and reports, and strong anecdotal evidence, it seems increasingly clear that the new Medicaid citizenship documentation requirement is having a negative impact on Medicaid enrollment, especially among children. Insufficient information is available to determine the precise extent to which individuals whose Medicaid eligibility has been delayed, denied or terminated are U.S. citizens, eligible legal immigrants, or ineligible immigrants. However, the fact that significant numbers of individuals are being approved for Medicaid after delays of many months, during which they were uninsured, demonstrates that the requirement is adversely affecting substantial numbers of U.S. citizens, especially children who are citizens. Moreover, a large body of research conducted over a number of years has conclusively shown that increasing documentation and other administrative burdens generally results in eligible individuals failing to obtain coverage as a result of the enrollment and renewal processes having become more complicated to understand and more difficult to navigate. Regarding the Medicaid enrollment declines, Anita Smith, Chief of the Bureau of Medical Supports for the Iowa Department of Human Services, has stated: "There is no evidence that the [enrollment] decline is due to undocumented aliens leaving the program. Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

A number of governors across the nation are announcing their intentions to push new initiatives to cover the uninsured, particularly children. These proposals are being designed to build upon existing public coverage programs, of which Medicaid is the largest, and invariably these proposals call for the enrollment of individuals who are currently eligible for existing programs but remain uninsured. Success will depend, in large measure, on policies and procedures that facilitate rather than frustrate such efforts so that eligible individuals can obtain the benefits for which they qualify. The Medicaid citizenship documentation requirement, which appears to be an extremely blunt instrument, stands to undercut such efforts by placing a daunting administrative obstacle in the way of many low-income U.S. citizens who otherwise have shown that they qualify or by discouraging potentially eligible citizens from applying because the process appears too complex or intimidating. The requirement also appears to be deflecting state human and financial resources away from activities designed to reach eligible children and families and to enroll them in the most efficient and effective manner.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. DURBIN, Mr. INOUE, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CASEY):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President day in and day out across America, millions of men and women go to work in jobs that are the backbone of our economy. They make our country great and prosperous. They work hard to provide for their families and care for them.

Often, however, they have to miss days of work because of illness. Every parent knows what it's like to care for a sick child, and every child knows the importance of a parent taking care of them when they are ill. Yet, every day, countless Americans find their paychecks or even their jobs at risk when illness strikes.

As Members of Congress, we don't lose our pay or risk our jobs if we stay home because of illness. But millions of our fellow citizens are not so fortunate.

Mr. President, 57 million Americans—nearly half of all private-sector workers in the United States—do not have paid sick days. Seventy percent don't have paid sick days they can use to care for family members. They can't take a day off to recover from the flu. They can't leave work to care for a child who is running a fever.

Among workers in the lowest income quarter, the numbers are even worse—percent do not have the right to take time off for illness without losing their payor even their jobs.

This lack of protection is especially difficult for working women with children. Women have moved into the workforce in record numbers, but they continue to have primary responsibility for their children's health. Nearly 80 percent of mothers say they are solely responsible for their children's medical care. Yet they can't take a day off to care for a sick child.

If we truly care about families, we have to change those facts. Americans want to be responsible employees and responsible parents. We need workplace laws that allow workers the time needed to care for themselves or family members when they are sick without losing payor risking their jobs.

That is why today I am introducing the Healthy Families Act, to give American workers up to seven paid days of sick leave a year. Now Congresswoman ROSA DELAUNO is introducing the legislation in the House of Representatives.

Earlier this week, she and I met with hundreds of workers and parents from around the country, representing tens of thousands of parents asking Congress to take action.

I am talking about hard-working people such as Bertha Brown, who spoke to hundreds of us in front of the Capitol. Bertha is a home healthcare aide. She has spent her life caring for America's sick and elderly, yet she herself has no paid sick days to care for herself or her children. She told us how she had to leave her sick daughter at home when she went to work.

Paid sick days aren't just a family issue—they are also a public health issue. When sick people go to work, they are likely to infect their coworkers and the public. Every day, we hear reports of stomach illnesses breaking out in restaurants or on cruise ships. We learn of flu outbreaks leading to hospitalization of the elderly. Such illnesses are contagious, but their spread can be minimized if sick people stay at home.

However, a high proportion of workers who have constant contact with the public have no paid sick days—85 percent of food service workers and 55 percent of workers in the retail industry are denied that benefit; 30 percent of health care workers can't take paid time off when they are ill.

That is why nurses and doctors support paid sick days. When our Health Committee held a hearing on this issue last month, we heard from pediatricians at Boston Children's Hospital and a public health expert in San Francisco about the significant health benefits and reduction of medical costs that result from paid sick days. We all know that preventive care helps reduce medical costs. Giving people the opportunity to obtain medical treatment for illnesses or chronic medical conditions before their conditions worsen is common sense.

Paid sick days also are important to help children stay healthy and in school so that they can learn. When

sick children go to school, they don't learn well, and they are likely to infect their fellow students.

We also heard this week from Carolyn Duff, a nurse in an elementary school in South Carolina. She treated a fifth grader she suspected had strep throat. His parents did not have paid sick days and could not take him to the doctor. After 4 days, his condition worsened. He developed scarlet fever and a rash covered his entire body—all because his parents, for fear of losing their jobs, weren't able to take time off to care for him. As Carolyn Duff said, the child not only suffered without the care of his parents, he also lost 10 precious days of his studies at school.

Paid sick days will result in significant savings to our economy and our health care system. That is why employers support paid sick days too. Dancing Deer Bakery—a small business Boston—sent me a letter making this important point:

A national paid sick days law creates a level playing field for all businesses. . . . We hope that a bill will move through both Chambers and be on the President's desk. Paid sick days should be a non-partisan issue. A healthy nation is a productive nation.

Paid sick days are good for families, good for our public health, and good for our economy. Our people have waited long enough for this need to be met. It is time to pass the Healthy Families Act.

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. 910

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 "Healthy Families Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Working Americans need time to meet their own health care needs and to care for family members, including their children, spouse, parents, and parents-in-law, and other children and adults for whom they are caretakers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to meet health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten their duration.

(4) When parents are available to care for their children who become sick, children recover faster, more serious illnesses are prevented, and children's overall mental and physical health improve. Parents who cannot afford to miss work and must send children with a contagious illness to child care or school contribute to the high rate of infections in child care centers and schools.

(5) Providing paid sick leave improves public health by reducing infectious disease. Policies that make it easier for sick adults and children to be isolated at home reduce the spread of infectious disease.

(6) Routine medical care reduces medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and private payers of health insurance, including private businesses.

(7) The provision of individual and family sick leave by large and small businesses, both here in the United States and elsewhere, demonstrates that policy solutions are both feasible and affordable in a competitive economy. Measures that ensure that employees are in good health and do not need to worry about unmet family health problems help businesses by promoting productivity and reducing employee turnover.

(8) The American Productivity Audit found that presenteeism—the practice of employees coming to work despite illness—costs \$180,000,000,000 annually in lost productivity. Studies in the *Journal of Occupational and Environmental Medicine*, the *Employee Benefit News*, and the *Harvard Business Review* show that presenteeism is a larger productivity drain than either absenteeism or short-term disability.

(9) The absence of paid sick leave has forced Americans to make untenable choices between needed income and jobs on the one hand and caring for their own and their family's health on the other.

(10) Nearly half of Americans lack paid leave for self-care or to care for a family member. For families in the lowest quartile of earners, 79 percent lack paid sick leave. For families in the next 2 quartiles, 46 and 38 percent, respectively, lack paid sick leave. Even for families in the highest income quartile, 28 percent lack paid sick leave. In addition, millions of workers cannot use paid sick leave to care for ill family members.

(11) Due to the roles of men and women in society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(12) An increasing number of men are also taking on caretaking obligations, and men who request leave time for caretaking purposes are often denied accommodation or penalized because of stereotypes that caretaking is only "women's work".

(13) Employers' reliance on persistent stereotypes about the "proper" roles of both men and women in the workplace and in the home continues a cycle of discrimination and fosters stereotypical views about women's commitment to work and their value as employees.

(14) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(15) It is in the national interest to ensure that all Americans can care for their own health and the health of their families while prospering at work.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick leave including leave for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that is feasible for employers; and

(4) consistent with the provision of the 14th amendment to the Constitution relating to equal protection of the laws, and pursuant

to Congress' power to enforce that provision under section 5 of that amendment—

(A) to accomplish the purposes described in paragraphs (1) and (2) in a manner that minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) **CHILD**.—The term "child" means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) **EMPLOYEE**.—The term "employee" means an individual—

(A) who is—

(i)(I) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under clause (v), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (3)(A); or

(II) an employee of the Government Accountability Office;

(ii) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16c(a));

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(iv) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(v) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; and

(B) who works an average of at least 20 hours per week or, in the alternative, at least 1,000 hours per year.

(3) **EMPLOYER**.—

(A) **IN GENERAL**.—The term "employer" means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) is engaged in commerce (including government), in the production of goods for commerce, or in an enterprise engaged in commerce (including government) or in the production of goods for commerce.

(B) **COVERED EMPLOYER**.—

(i) **IN GENERAL**.—In subparagraph (A)(i)(I), the term "covered employer"—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(II) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) **PUBLIC AGENCY**.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) **DEFINITIONS**.—For purposes of this subparagraph:

(I) **COMMERCE**.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) **EMPLOYEE**.—The term "employee" has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) **PERSON**.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(C) **PREDECESSORS**.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(4) **EMPLOYMENT BENEFITS**.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(5) **HEALTH CARE PROVIDER**.—The term "health care provider" means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this Act.

(6) **PARENT**.—The term "parent" means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(7) **PRO RATA**.—The term "pro rata", with respect to benefits offered to part-time employees, means the proportion of each of the benefits offered to full-time employees that are offered to part-time employees that, for each benefit, is equal to the ratio of part-time hours worked to full-time hours worked.

(8) **SECRETARY**.—The term "Secretary" means the Secretary of Labor.

(9) **SICK LEAVE**.—The term "sick leave" means an increment of compensated leave provided by an employer to an employee as a benefit of employment for use by the employee during an absence from employment for any of the reasons described in paragraphs (1) through (3) of section 5(d).

(10) **SPOUSE**.—The term "spouse", with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

SEC. 5. PROVISION OF PAID SICK LEAVE.

(a) **IN GENERAL**.—An employer shall provide for each employee employed by the employer not less than—

(1) 7 days of sick leave with pay and employment benefits annually for employees working 30 or more hours per week; or

(2) a pro rata number of days or hours of sick leave with pay and employment benefits annually for employees working less than—

(A) 30 hours per week on a year-round basis; or

(B) 1,500 hours throughout the year involved.

(b) ACCRUAL.—

(1) PERIOD OF ACCRUAL.—Sick leave provided for under this section shall accrue as determined appropriate by the employer, but not on less than a quarterly basis.

(2) ACCUMULATION.—Accrued sick leave provided for under this section shall carry over from year to year, but this Act shall not be construed to require an employer to permit an employee to accumulate more than 7 days of the sick leave.

(3) USE.—The sick leave may be used as accrued. The employer, at the discretion of the employer, may loan the sick leave to the employee in advance of accrual by such employee.

(c) CALCULATION.—

(1) LESS THAN A FULL WORKDAY.—Unless the employer and employee agree to designate otherwise, for periods of sick leave that are less than a normal workday, that leave shall be counted—

(A) on an hourly basis; or

(B) in the smallest increment that the employer's payroll system uses to account for absences or use of leave.

(2) VARIABLE SCHEDULE.—If the schedule of an employee varies from week to week, a weekly average of the hours worked over the 12-week period prior to the beginning of a sick leave period shall be used to calculate the employee's normal workweek for the purpose of determining the amount of sick leave to which the employee is entitled.

(d) USES.—Sick leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee subject to the requirement of subsection (e).

(3) An absence for the purpose of caring for a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who—

(A) has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(e) SCHEDULING.—An employee shall make a reasonable effort to schedule leave under paragraphs (2) and (3) of subsection (d) in a manner that does not unduly disrupt the operations of the employer.

(f) PROCEDURES.—

(1) IN GENERAL.—Paid sick leave shall be provided upon the oral or written request of an employee. Such request shall—

(A) include a reason for the absence involved and the expected duration of the leave;

(B) in a case in which the need for leave is foreseeable at least 7 days in advance of such leave, be provided at least 7 days in advance of such leave; and

(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such leave.

(2) CERTIFICATION.—

(A) PROVISION.—

(1) IN GENERAL.—Subject to subparagraph (C), an employer may require that a request for leave be supported by a certification

issued by the health care professional of the eligible employee or of an individual described in subsection (d)(3), as appropriate, if the leave period covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the leave. The employer shall not delay the commencement of the leave on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the leave will be needed;

(II) the probable duration of the leave;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of leave under subsection (d)(1), a statement that leave from work is medically necessary;

(bb) for purposes of leave under subsection (d)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of leave under subsection (d)(3), in the case of leave to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick leave.

(C) REGULATIONS.—Regulations prescribed under section 13 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(D) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d-6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d-2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee's child, parent, spouse or other individual described in subsection (d)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(g) CURRENT LEAVE POLICIES.—

(1) EQUIVALENCY REQUIREMENT.—An employer with a leave policy providing paid leave options shall not be required to modify such policy, if such policy includes provisions for the provision, use, and administration of paid sick leave that meet the requirements of subsections (a) through (f).

(2) NO ELIMINATION, REDUCTION, OR REDESIGNATION OF EXISTING LEAVE.—An employer may not eliminate, reduce, or redesignate any leave in existence on the date of enactment of this Act in order to comply with the provisions of this Act.

SEC. 6. POSTING REQUIREMENT.

(a) IN GENERAL.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing leave available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;

(3) the details of the notice requirement for foreseeable leave under section 5(f)(1)(B); and

(4) information that describes—

(A) the protections that an employee has in exercising rights under this Act; and

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 8) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of sick leave under this Act as a negative factor in an employment action, such as hiring, promotion, or a disciplinary action; or

(C) counting the sick leave under a no-fault attendance policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection:

(A) the term "employee" means an employee described in clause (i) or (ii) of section 4(2)(A); and

(B) the term "employer" means an employer described in subclause (I) or (II) of section 4(3)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

- (i) the employees or individuals; or
- (ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee or individual affected—

- (i) for damages equal to—
 - (I) the amount of—
 - (aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or
 - (bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 7 days of wages or salary for the employee or individual;
 - (II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and
- (III) an additional amount as liquidated damages; and
- (ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (including a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 7 (including a violation relating to rights provided under section 5), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(7) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under paragraph (4) or (6).

(8) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary of Labor under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any person, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iii).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this Act provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iv).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(v).

SEC. 9. COLLECTION OF DATA ON PAID SICK DAYS AND FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—Effective 90 days after the date of enactment of this Act, the Commissioner of Labor Statistics shall annually compile information on the following:

(1) The number of employees who used paid sick leave.

(2) The number of hours of the paid sick leave used.

(3) The demographic characteristics of employees who were eligible for and who used the paid sick leave.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall annually conduct a study to determine the following:

(A)(i) The number of days employees used paid sick leave and the reasons for the use.

(ii) The number of employees who used the paid sick leave for leave periods covering more than 3 consecutive workdays.

(B) Whether employees used the paid sick leave to care for illnesses or conditions caused by domestic violence against the employees or their family members.

(C) The cost and benefits to employers of implementing the paid sick leave policies.

(D) The cost to employees of providing certification issued by a health care provider to obtain the paid sick leave.

(E) The benefits of the paid sick leave to employees and their family members, including effects on employees' ability to care for their family members or to provide for their own health needs.

(F) Whether the paid sick leave affected employees' ability to sustain an adequate income while meeting health needs of the employees and their family members.

(G) Whether employers who administered paid sick leave policies prior to the date of enactment of this Act were affected by the provisions of this Act.

(H) Whether other types of leave were affected by this Act.

(I) Whether paid sick leave affected retention and turnover and costs of presenteeism.

(J) Whether the paid sick leave increased the use of less costly preventive medical care and lowered the use of emergency room care.

(K) Whether the paid sick leave reduced the number of children sent to school when the children were sick.

(2) AGGREGATING DATA.—The data collected under subparagraphs (A), (B), and (E) of paragraph (1) shall be aggregated by gender, race, disability, earnings level, age, marital status, and family type, including parental status.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

(B) FOLLOWUP REPORT.—Not later than 5 years after the date of enactment of this Act the Comptroller General of the United States shall prepare and submit a followup report to

the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

SEC. 10. EFFECT ON OTHER LAWS.

(a) **FEDERAL AND STATE ANTIDISCRIMINATION LAWS.**—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) **STATE AND LOCAL LAWS.**—Nothing in this Act shall be construed to supersede any provision of any State or local law that provides greater paid sick leave or other leave rights than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) **MORE PROTECTIVE.**—Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid sick leave rights to employees or individuals than the rights established under this Act.

(b) **LESS PROTECTIVE.**—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) **IN GENERAL.**—

(1) **AUTHORITY.**—Except as provided in paragraph (2), not later than 120 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in clause (i) or (ii) of section 4(2)(A) and other individuals affected by employers described in subclause (I) or (II) of section 4(3)(A)(i).

(2) **GOVERNMENT ACCOUNTABILITY OFFICE; LIBRARY OF CONGRESS.**—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.

(b) **EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iii) and other individuals affected by employers described in section 4(3)(A)(i)(III).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) **EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the

President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iv) and other individuals affected by employers described in section 4(3)(A)(i)(IV).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) **EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(v) and other individuals affected by employers described in section 4(3)(A)(i)(V).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) **IN GENERAL.**—This Act shall take effect 1 year after the date of issuance of regulations under section 13(a)(1).

(b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 18 months after the date of issuance of regulations under section 13(a)(1).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS

Mrs. MURRAY (for herself and Mr. LEVIN) submitted the following resolution; which was submitted and read:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the

Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

SENATE RESOLUTION 108—DESIGNATING THE FIRST WEEK OF APRIL 2007 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas there is no known safe level of exposure to asbestos;

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when a person inhales or swallows airborne asbestos fibers, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of individuals diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late-stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognoses;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas, in 1977, the International Agency for Research on Cancer classified asbestos as a Category 1 human carcinogen, the highest cancer hazard classification for a substance;

Whereas, in 2002, the United States Geological Survey reported that companies in the United States consumed 9,000 metric tons of asbestos, of which approximately 71 percent was consumed in roofing products, 18 percent in gaskets, 5 percent in friction products, and 6 percent in other products;

Whereas, in 2006, the World Health Organization issued a policy paper, and the International Labour Organization adopted a resolution, agreeing that all forms of asbestos

are classified as human carcinogens, no threshold for "safe" exposure exists, and the elimination of asbestos use is essential to stop the global epidemic of asbestos-related diseases;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, builders of vehicle bodies (including rail vehicles), pipefitters, carpenters and electricians, construction workers (including insulation and stripping workers), extraction workers, energy and water supply workers, and manufacturing workers;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos exposures continue, but attention to safety and prevention has reduced significantly and will continue to reduce asbestos exposures and asbestos-related diseases;

Whereas the United States continues to import over \$100,000,000 worth of asbestos products annually, such as brake pads and linings, cement pipe, floor tiles, and other asbestos products from other countries for use throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas people in the small community of Libby, Montana, have asbestos-related diseases at a rate 40 to 60 times the national average, and suffer from mesothelioma at a rate 100 times the national average;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have increased greatly in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all victims of asbestos-related diseases were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases; and

Whereas the establishment of "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2007 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

Mr. REID. Mr. President, I rise in support of the resolution introduced by Senator BAUCUS to designate the first week of April 2007 as "National Asbestos Awareness Week." It is my hope this resolution will raise public awareness of this dreadful substance and the pain and suffering that it has caused. It

is also a reminder of our responsibility to the victims of asbestos in Nevada, in Libby, MT, and all over America.

We know too well that the effect of exposure can be deadly. Diseases caused by asbestos include cancers of the lung, digestive tract, colon, larynx, esophagus, kidney and some types of lymphoma; pleural disease; asbestosis; and, of course, mesothelioma. These devastating illnesses take the lives of 30 Americans each day and as many as 10,000 Americans each year.

According to the Occupational Safety and Health Administration, OSHA, 1.3 million Americans still face significant asbestos exposure in their workplaces. However, the danger is not confined to the Nation's shipyards, mines, or construction sites. Countless others are exposed in their neighborhoods, in schoolyards and at home; mothers and children who would otherwise have no clue that their very health is in jeopardy from this poisonous substance.

The cases of disease and death caused by asbestos exposure are not abstractions. Real lives are affected and destroyed by this dreadful substance. I have received countless letters from victims of asbestos-related diseases and their families. Each one shares another story of loss and of pain, of sickness and of tragedy.

James Baxter, a retired railroad worker from Carson City, NV, suffers from lung damage and respiratory problems. Richard Strauss from Las Vegas, NV, lost his father 3 years ago from asbestos exposure. Like many others, these two men contacted me seeking help in dealing with the hardship and tragedy they have endured.

Margy Urnberg from Carson City, NV, had a father, Ronald Johnson, who died from asbestos exposure. He worked in a vermiculite mine and received secondhand exposure from living in Libby, MT. Connie Peck-Youso was born and raised in Libby, MT. Although she never worked in a mine, she bares the scarring in her lungs from the same type of secondhand exposure that had such terrible consequences for Mr. Johnson.

Alan Reinstein, the cofounder and former Director of Communications of the Asbestos Disease Awareness Organization, suffered with acute mesothelioma. Alan fought bravely and responded to his illness as a call to action. Sadly, he lost his battle with his terrible disease last year. The Alan Reinstein Memorial Award was created to honor those, like Alan, who have brought awareness to the victims of asbestos. Les Skramstad will be honored posthumously this year.

Last year, the Senate debated a bill to remove asbestos liability cases from the court system and compensate victims from a trust fund. I strongly opposed that bill because it was unfair to asbestos victims. The bill would have made it too difficult for seriously injured victims to recover damages, and the trust fund would have been inadequate. Rather than deprive asbestos

victims of their day in court, we should pass legislation to ban asbestos and heighten public awareness of this fatal disease.

I am also pleased to be a cosponsor of the legislation recently reintroduced by Senator MURRAY, the Ban Asbestos in America Act of 2007, which would ban asbestos by prohibiting asbestos-containing products from being imported, manufactured, processed, or distributed in the United States. While it has been banned in over 40 countries around the world, we continue to import over \$100 million worth of asbestos products annually. This is more than 30 million pounds of asbestos that is imported for use throughout the Nation. Additionally, the bill calls for a public awareness campaign to help educate patients, workers, family members, and health care providers on the dangers of exposure to asbestos, along with possible treatment options. Asbestos is killing far too many people. We can and should do more. Senator MURRAY's bill and the National Asbestos Awareness Week are a step in that direction.

SENATE RESOLUTION 109—CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION RIFLE CHAMPIONSHIP

Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska, the University of Alaska Fairbanks rifle team (referred to in this preamble as the "Nanooks rifle team") earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the "NCAA Rifle Championship");

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach Dan Jordan, along with each member of the Nanooks rifle team, dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006-2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their

opponents, and respect for the sport of competitive shooting throughout the 2006-2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

SENATE RESOLUTION 110—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 30TH ANNIVERSARY OF ASEAN-UNITED STATES DIALOGUE AND RELATIONSHIP

Mr. LUGAR (for himself, Mr. BIDEN, Mrs. BOXER, Ms. MURKOWSKI, Mr. HAGEL, Mr. BOND, Mr. KERRY, Mr. WEBB, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 110

Whereas the Association of Southeast Asian Nations (referred to in this resolution as "ASEAN"), was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore and Thailand as the initial members;

Whereas the membership of ASEAN has expanded to 10 countries since its establishment in 1967, and now includes Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam;

Whereas the United States-ASEAN dialogue and relationship began in 1977;

Whereas the countries of ASEAN constitute the 3rd largest export market for the United States, have received approximately \$90,000,000,000 in direct investment from the United States, and are developing an integrated free trade area;

Whereas trade between the United States and the countries of ASEAN totals nearly \$170,000,000,000 annually;

Whereas ASEAN is committed to accelerated economic growth, social progress, cultural development, and regional peace and stability;

Whereas ASEAN is committed to developing a regional energy security strategy;

Whereas nearly 40,000 students from ASEAN countries are studying in the United States;

Whereas ASEAN countries share common concerns with the United States, including the spread of avian influenza and other diseases, and environmental issues, such as the preservation of biodiversity and illegal logging;

Whereas ASEAN countries continue to partner with the United States against global terrorism;

Whereas the Senate passed legislation authorizing the establishment of the position of United States Ambassador for ASEAN Affairs; and

Whereas United States officials announced in August of 2006 that an Ambassador for ASEAN Affairs will be appointed: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States and the ASEAN countries should continue implementing the ASEAN-United States Enhanced Partnership, with emphasis on the agreed upon specific priority measures for cooperation in 2007;

(B) the United States should proceed with appointing a United States Ambassador for ASEAN Affairs;

(C) the United States should work with the countries of ASEAN in developing a regional energy strategy;

(D) the United States should provide greater emphasis and support toward encouraging students from ASEAN countries to study in the United States, and American students to study in ASEAN countries; and

(E) the United States should continue to support the work of multilateral financial institutions, including the Asian Development Bank and the World Bank in ASEAN countries, and to encourage additional transparency and anticorruption efforts by those institutions, for the benefit of the ASEAN countries where they operate;

(2) the Senate welcomes the initiation of a Fulbright Program for ASEAN scholars; and

(3) the Senate welcomes and encourages planning by the countries of ASEAN and the United States for an ASEAN-United States Summit in 2007.

Mr. LUGAR. Mr. President, since its inception in 1967, the Association of Southeast Asian Nations has been a trusted friend of the United States. The original five-member countries of Indonesia, Malaysia, Philippines, Singapore and Thailand, were joined by Brunei Darussalam in 1984. Beginning in the late 1960s, U.S. officials today continue to interact with ASEAN regarding mutual interests in East and Southeast Asia. Vietnam, Laos, Burma and Cambodia joined ASEAN after 1994.

The level of intersects between ASEAN and the United States is immense, including student exchanges, business and trade, and security cooperation. ASEAN is the third largest export destination of American products.

It is important to note that ASEAN is continually changing, with the pursuit of economic integration. As noted by the ASEAN Secretariat, ASEAN officials hope to create "a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services and investment and a freer flow of capital, equitable, economic development and reduced poverty and socio-economic disparities in year 2020." Last year alone, there were over 500 meetings of ASEAN officials—it is a vibrant regional structure.

Committed to promoting regional peace and harmony, there has been no armed confrontation among ASEAN member nations, since ASEAN's beginning. An important part of ASEAN's future security lies in the development of a regional energy security strategy. This endeavor is well underway, and the United States looks forward to future dialogue on ways in which meaningful cooperation can occur.

Continued collaboration between ASEAN, the United States and the World Health Organization on addressing major disease challenges, such as Avian influenza is of the essence. All involved must act with vigilance and in a timely way.

While ASEAN and the United States have shared appreciation for the challenges of terrorism, our relationship is far more complex. For the benefit of my colleagues, I point to recent remarks conveyed to me by Singapore's esteemed

Ambassador-at-Large, Tommy Koh, who wrote "ASEAN's re-

lationship with the U.S. is its most important relationship. It is a mutually beneficial relationship. However, ASEAN often feels that it has been treated by the U.S. with benign neglect and viewed solely through the prism of terrorism. We hope, on this 30th anniversary year of the U.S.-ASEAN dialogue relationship, that the U.S. will develop a coherent strategy and policy to engage ASEAN, upgrade our priority and make the U.S. the best friend of ASEAN."

Full implementation of the ASEAN-United States Enhanced Partnership and appointment of the U.S. Ambassador for ASEAN Affairs are important steps in growing this important bilateral relationship.

I am pleased to introduce this resolution commemorating the 30th anniversary of the U.S.-ASEAN dialogue. It is a message of reaffirmation and deep appreciation by the United States Senate. We look forward to an even closer future partnership on many fronts, yielding mutual benefit for the people of ASEAN and the United States.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING THE SENSE OF CONGRESS THAT NO FUNDS SHOULD BE CUT OFF OR REDUCED FOR AMERICAN TROOPS IN THE FIELD WHICH WOULD RESULT IN UNDERMINING THEIR SAFETY OR THEIR ABILITY TO COMPLETE THEIR ASSIGNED MISSION

Mr. GREGG (for himself, Mr. LOTT, Mr. SHELBY, Mr. CRAIG, Mr. CORNYN, Mr. STEVENS, Mr. CHAMBLISS, Mr. ALLARD, Mr. GRAHAM, Mr. ROBERTS, Mr. COBURN, Mr. MARTINEZ, Mr. ISAKSON, Mr. COLEMAN, Mr. DEMINT, Mr. THUNE, and Mr. SESSIONS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that 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 action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, supra; which was ordered to lie on the table.

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, 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.

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

TEXT OF AMENDMENTS

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

“(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

“(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.”.

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, line 23, strike the quotation marks and the second period and insert the following:

“(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

“(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

“(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

“(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.”.

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table; as follows:

Beginning on page 2, line 11, strike “to the limited purposes set forth” and all that follows through page 3, line 20, and insert the following: “to the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(b) COMPREHENSIVE STRATEGY.—Subsection (a) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(c) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a classified report on the progress made in transitioning the mission of the United States forces in Iraq and achieving the benchmarks established pursuant to subsection (d).

(d) CLASSIFIED CAMPAIGN PLAN.—The President shall create a classified campaign plan for Iraq, including strategic and operation benchmarks and redeployment dates of United States forces from Iraq as those benchmarks are met.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, 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; as follows:

On page 5, line 19, insert “(FYROM)” after “Macedonia”.

On page 12, line 22, insert “(FYROM)” after “Macedonia”.

On page 14, line 7, insert “(FYROM)” after “Macedonia”.

On page 14, line 9, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “Macedonia”.

On page 15, line 20, insert “(FYROM)” after “Macedonia”.

On page 17, line 3, insert “(FYROM)” after “Macedonia”.

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; as follows:

In the ninth whereas clause of the preamble, strike “Dial” and insert “Dail”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 22, 2007, at 9:45 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m., in open session to receive testimony on the posture of the United States Army 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 COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the U.S. Coast Guard budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the

Senate on Thursday, March 15, 2007 at 4 p.m. in the President's Room, S-216, of the Capitol building. We will be considering the following:

Agenda

1. S. 624, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007
2. S. 845, Keeping Seniors Safe From Falls Act of 2007
3. S. 657, the Trauma Care Systems Planning and Development Act of 2007
4. W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 15, 2007, at 10 a.m. to consider the nomination of Gregory B. Cade to be Administrator of the U.S. Fire Administration at the Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 15, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. COMMITTEE AUTHORIZATION

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys

II. BILLS

S. 236, The Federal Agency Data Mining Reporting Act of 2007; Feingold, Sununu

S. 261, Animal Fighting Prohibition Enforcement Act of 2007; Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl

S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Kyl, Cornyn, Grassley, Sessions

S. 231, A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program; Feinstein, Cornyn, Kohl, Durbin, Biden, Grassley

S. 368, COPS Improvements Act of 2007; Biden, Leahy, Kohl, Feinstein, Schumer, Durbin, Specter

S. 627, Safe Babies Act; Harkin, Specter

III. RESOLUTIONS

S. Con. Res. 14, Commemorating the 85th anniversary of the American Hellenic Educational Progressive Association; Snowe

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2007 at 2:30 p.m. to hold a Business Meeting..

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Thursday, March 15, 2007.

The agenda to be considered: Hearing on Water Resources Needs and the President's Budget Proposal for the Army Corps of Engineers for fiscal year 2008.

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent for John Krukameyer of my office to have floor privileges for today's session of the Senate. I also ask unanimous consent that a law clerk on my staff, Melanie Edwards, be granted floor privileges until March 31.

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

GREEK INDEPENDENCE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to calendar No. 80, S. Res. 95.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and ... in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely

fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, "Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over \$15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than \$1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007, marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2007, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 109.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) congratulating the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to recognize the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship on March 10, 2007 in Fairbanks, AK.

With a total score of 4,662 points for their performance in the smallbore and air rifle competitions, the undefeated and defending champion University of Alaska Fairbanks “Nanooks” posted an 18-point win over the U.S. Military Academy and a 23-point win over Jacksonville State University to claim their ninth national championship title.

This was the first time the Nanooks have hosted an NCAA Championship. More than 900 spectators, a record crowd for an NCAA Rifle Championship, were present to help support the local team.

Nanooks head coach Dan Jordan, along with each member of the 2007 University of Alaska Fairbanks rifle team, which includes six National Rifle Association All-Americans, should be recognized for their achievements during this past season. I congratulate the team and wish them continued success in future years.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska,

the University of Alaska Fairbanks rifle team (referred to in this preamble as the “Nanooks rifle team”) earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the “NCAA Rifle Championship”);

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach, Dan Jordan, along with each member of the Nanooks rifle team dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006–2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their opponents, and respect for the sport of competitive shooting throughout the 2006–2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

CONGRESSIONAL CHARTER OF THE AMERICAN NATIONAL RED CROSS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 71, S. 655.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 655) to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with an amendment, as follows:

[Omit the part struck through and insert the part printed in *italic*].

S. 655

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 “The American National Red Cross Governance Modernization Act of 2007”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

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

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the “Board of Governors”) commissioned an independent review and analysis of the Board of Governors’ role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled “American Red Cross Governance for the 21st Century” (the “Governance Report”), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors’ ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation’s strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation’s chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single

category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

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

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”; and

(2) in subsection (b), by inserting at the end the following new sentence: “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) to conduct other activities consistent with the foregoing purposes.”

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “, or as otherwise provided,” before “in the bylaws”; (2) in subsection (b)(1)—

(A) by striking “board of governors” and inserting “corporation”; and

(B) by inserting “policies and” before “regulations related”; and

(3) in subsection (b)(2)—

(A) by inserting “policies and” before “regulations shall require”; and

(B) by striking “national convention” and inserting “annual meeting”.

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

“§ 300104. Board of governors

“(a) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

“(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

“(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

“(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

“(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

“(A) CHAIRMAN.—

“(1) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

“(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

“(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(B) OTHER MEMBERS.—

“(1) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

“(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

“(b) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

“(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

“(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

“(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, $\frac{1}{3}$ of the entire board (or as near to $\frac{1}{3}$ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

“(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

“(c) COMMITTEES AND OFFICERS.—The board—

“(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

“(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

“(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

“(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

“(d) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

“(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

“(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

“(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

“(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

“(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

“(f) VOTING BY PROXY.—

“(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

“(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

“(g) BYLAWS.—

“(1) IN GENERAL.—The board of governors may—

“(A) at any time adopt bylaws; and

“(B) at any time adopt bylaws to be effective only in an emergency.

“(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

“(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.”.

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking “bylaws” and inserting “policies”.

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

“§ 300107. Annual meeting

“(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

“(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

“(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

“(d) VOTING.—

“(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

“(2) ESTABLISHMENT OF NUMBER OF VOTES.—

“(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

“(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.”.

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking “nine” from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: “The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.”.

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

“(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation’s fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.”.

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

“§ 300111. Authority of the Comptroller General of the United States

“The Comptroller General of the United States is authorized to review the corporation’s involvement in any Federal program or activity the Government carries out under law.

“§ 300112. Office of the Ombudsman

“(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.”.

“(b) REPORT.—

“(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

“(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

“(i) the Committee on Finance;

“(ii) the Committee on Foreign Relations;

“(iii) the Committee on Health, Education, Labor, and Pensions;

“(iv) the Committee on Homeland Security and Governmental Affairs; and

“(v) the Committee on the Judiciary.

“(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

“(i) the Committee on Energy and Commerce;

“(ii) the Committee on Foreign Affairs;

“(iii) the Committee on Homeland Security;

“(iv) the Committee on the Judiciary; and

“(v) the Committee on Ways and Means.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

“300111. Authority of the Comptroller General of the United States.

“300112. Office of the Ombudsman.

“300113. Reservation of right to amend or repeal.”.

Mr. LEAHY. Mr. President, I am pleased the Judiciary Committee approved and the Senate is considering S. 655, the American National Red Cross Governance Modernization Act of 2007. I thank my colleagues, Senator GRASSLEY and Senator KENNEDY, for their hard work on this issue and for introducing this important bill.

Since its founding by Clara Barton in 1881, the American Red Cross has pro-

vided crucial relief services to those affected by famine, floods, and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than 1 million volunteers and 35,000 employees. As a key participant in the U.S. disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope: the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami, and the 2005 hurricane season that included the enormously destructive Hurricanes Katrina, Rita, and Wilma. These events all challenged the Red Cross’s ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross’s Board of Governors unanimously voted to accept recommendations given by an independent advisory board, which examined the American Red Cross’s governance structure and practices. S. 655 reflects these recommendations and would improve the American Red Cross’s governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of 8 to 10 principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public.

According to the American Red Cross’s end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing, and other necessities. My wife Marcelle was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself, and I urge my colleagues to support this important legislation.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be

laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 655), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 655

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 “The American National Red Cross Governance Modernization Act of 2007”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

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

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the “Board of Governors”) commissioned an independent review and analysis of the Board of Governors’ role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled “American Red Cross Governance for the 21st Century” (the “Governance Report”), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors’ ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation’s strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation’s chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

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

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, root-

ing out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”; and

(2) in subsection (b), by inserting at the end the following new sentence: “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”.

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) to conduct other activities consistent with the foregoing purposes.”.

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “, or as otherwise provided,” before “in the bylaws”; (2) in subsection (b)(1)—

(A) by striking “board of governors” and inserting “corporation”; and

(B) by inserting “policies and” before “regulations related”; and

(3) in subsection (b)(2)—

(A) by inserting “policies and” before “regulations shall require”; and

(B) by striking “national convention” and inserting “annual meeting”.

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

“§ 300104. Board of governors

“(a) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

“(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

“(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

“(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

“(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

“(A) CHAIRMAN.—

“(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

“(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).”

“(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.”

“(B) OTHER MEMBERS.—

“(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.”

“(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.”

“(b) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

“(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

“(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.”

“(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, 1/3 of the entire board (or as near to 1/3 as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.”

“(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.”

“(c) COMMITTEES AND OFFICERS.—The board—

“(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

“(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

“(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

“(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.”

“(d) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.”

“(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

“(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose

positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.”

“(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.”

“(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.”

“(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.”

“(f) VOTING BY PROXY.—

“(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.”

“(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.”

“(g) BYLAWS.—

“(1) IN GENERAL.—The board of governors may—

“(A) at any time adopt bylaws; and

“(B) at any time adopt bylaws to be effective only in an emergency.”

“(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.”

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

“(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.”

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking “bylaws” and inserting “policies”.

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

“§ 300107. Annual meeting

“(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.”

“(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.”

“(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.”

“(d) VOTING.—

“(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information

from which it can be determined, that the method of voting chosen was authorized by such person.”

“(2) ESTABLISHMENT OF NUMBER OF VOTES.—

“(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.”

“(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.”

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking “nine” from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: “The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.”

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

“(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation’s fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.”

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

“§ 300111. Authority of the Comptroller General of the United States

“The Comptroller General of the United States is authorized to review the corporation’s involvement in any Federal program or activity the Government carries out under law.”

“§ 300112. Office of the Ombudsman

“(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.”

“(b) REPORT.—

“(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.”

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

“(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

“(i) the Committee on Finance;

“(ii) the Committee on Foreign Relations;

“(iii) the Committee on Health, Education, Labor, and Pensions;

“(iv) the Committee on Homeland Security and Governmental Affairs; and

“(v) the Committee on the Judiciary.”

“(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

“(i) the Committee on Energy and Commerce;

“(ii) the Committee on Foreign Affairs;

“(iii) the Committee on Homeland Security;

“(iv) the Committee on the Judiciary; and

“(v) the Committee on Ways and Means.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

“300111. Authority of the Comptroller General of the United States.

“300112. Office of the Ombudsman.

“300113. Reservation of right to amend or repeal.”.

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 73, S. 377.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 377) to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD without further intervening action or debate.

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

The bill (S. 377) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 377

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 “United States-Poland Parliamentary Youth Exchange Program Act of 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Eu-

rope and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the “United States-Poland Parliamentary Youth Exchange Program”.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year;

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for

fiscal year 2008 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

NATO FREEDOM CONSOLIDATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 74, S. 494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 494) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 462) was agreed to, as follows:

(Purpose: To clarify references to Macedonia)

On page 5, line 19, insert “(FYROM)” after “Macedonia”.

On page 12, line 22, insert “(FYROM)” after “Macedonia”.

On page 14, line 7, insert “(FYROM)” after “Macedonia”.

On page 14, line 9, insert “(fyrom)” after “macedonia”.

On page 15, line 6, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “Macedonia”.

On page 15, line 20, insert “(FYROM)” after “Macedonia”.

On page 17, line 3, insert “(FYROM)” after “Macedonia”.

The bill (S. 494), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 494

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 “NATO Freedom Consolidation Act of 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), Congress declared that “full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date. . .”.

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that “in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance”.

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), Congress declared that “Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO” and that “Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date”.

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note), Congress endorsed “. . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996”.

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating “[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration”.

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring “[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .”.

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia (FYROM), Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated “[a]ll of Europe’s new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe’s old democracies have . . . I believe in NATO membership for all of Europe’s democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom”.

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated “NATO’s doors will not close behind its first new members . . . NATO should remain open to all of Europe’s emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not re-emerge in Europe”.

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating “NATO’s door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty”.

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO’s door remains open to new members, declaring “[w]e celebrate the success of NATO’s Open Door Policy, and reaffirm today that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership

Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country’s candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report”.

(16) Georgia and Ukraine have stated their desire to join the Euro-Atlantic community, and in particular, are seeking to join the North Atlantic Treaty Organization. Georgia and Ukraine are working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that “. . . I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there’s a way forward through the Membership Action Plan . . . And I’m a believer in the expansion of NATO. I think it’s in the world’s interest that we expand NATO”.

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) At the NATO-Ukraine Commission Summit in Brussels in February 2005, President of Ukraine Victor Yushchenko declared membership in NATO as the ultimate goal of Ukraine’s cooperation with the Alliance and expressed Ukraine’s desire to conclude a Membership Action Plan.

(20) At the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on the potential membership of Ukraine in NATO.

(21) At the Riga Summit of the North Atlantic Treaty Organization in November 2006, the Heads of State and Government of the member countries of NATO issued a declaration reaffirming that NATO’s door remains open to new members, declaring that “all European democratic countries may be considered for MAP (Membership Action Plan) or admission, subject to decision by the NAC (North Atlantic Council) at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us. We welcome the efforts of Albania, Croatia, and the former Yugoslav Republic of Macedonia to prepare themselves for the responsibilities and obligations of membership. We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial and security issues relating to those countries’ aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue.

We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defence, reform of the defence-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability."

(22) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so, Congress calls for the timely admission of Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine to the North Atlantic Treaty Organization to promote security and stability in Europe.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, its Istanbul Summit Communiqué of 2004, and its Riga Summit Declaration of 2006; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, MACEDONIA (FYROM), AND UKRAINE AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), and shall be deemed to have been so

designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA (FYROM).—The Republic of Macedonia (FYROM) is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(5) UKRAINE.—Ukraine is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2008 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) such sums as may be necessary are authorized to be appropriated for assistance to the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine.

PROVIDING THAT THE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK OR THE ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK MAY SERVE ON THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION

Mr. REID. I ask unanimous consent we now proceed to Calendar No. 75, S. 676.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 676) to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 676) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 676

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

SECTION 1. AUTHORITY TO APPOINT EXECUTIVE DIRECTOR OR ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK TO THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION.

The third sentence of section 401(g) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(g)) is amended to read as follows: "Three members of the Board shall be appointed from among the following: officers or employees of agencies of the United States concerned with inter-American affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank."

CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO IMMEDIATELY ESTABLISH A FULL, INDEPENDENT, AND PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PATRICK FINUCANE

Mr. REID. Mr. President, I now ask unanimous consent that the Foreign Relations Committee be discharged and the Senate then proceed to consideration of H. Con. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 20) calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, the amendment to the preamble which is at the desk be considered and agreed to, the preamble as

amended be agreed to, and any statements be printed in the RECORD.

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

The amendment (No. 463) was agreed to, as follows:

In the ninth whereas clause of the preamble, strike "Dial" and insert "Dail".

The concurrent resolution (H. Con. Res. 20) was agreed to.

The preamble, as amended, was agreed to.

AUTHORIZING BUDGET COMMITTEE REPORTING

Mr. REID. Mr. President, I ask unanimous consent that on Friday, March 16, notwithstanding an adjournment of the Senate, the Senate Budget Committee be permitted to report the concurrent budget resolution during the hours of 10 a.m. to 12 noon.

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

ORDERS FOR MONDAY, MARCH 19, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, March 19; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to S. 214 as provided for under a previous order.

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

PROGRAM

Mr. REID. Mr. President, this week has been a week full of a lot of work, a lot of surprises but a lot of results. We finished the 9/11 bill, which is something the Senate should feel very good about. We did that on a bipartisan basis with the leadership of Senator LIEBERMAN and Senator COLLINS.

Today we completed a 2-day debate on Iraq. It was a good, civil debate. Both the majority and minority issued their statements. I thought they did them well. We were able to have some votes. I think it was something that brought dignity to the Senate.

We had three judicial nominations approved—two district court judges, one circuit court judge. We are doing our level best to not have any problems with judicial nominations. The President is doing his share of helping us with this by sending us some good people. We have had agreement on the U.S. attorney bill that has been done with bipartisan support. This is set up for

debate starting Monday. We will complete that on Tuesday morning.

Then, finally, again, using the Lieberman-Collins example, the chairman and ranking member of the Budget Committee, Senator CONRAD and Senator Judd Gregg, did a wonderful job. There is not a more contentious issue that comes before this body than the budget. All 100 Members believe they can do a better job than either Judd Gregg or Kent Conrad can do, but they have the responsibility of coming up with the budget. They worked together for a number of years. They are friends and they set a good example. This matter was completed by 3:30 this afternoon.

Next week is going to be a tough week. There will be a lot of amendments offered, and we look forward to that. But we have a statutory way of proceeding through this. Whoever drew the statute probably had too much to drink the night before. But at least that is the statute we have. It is 50 hours, and unlimited amendments can be offered. But at least we know what we are up against next week because we have done it many times.

In short, this closely divided Senate, at this stage during the final weeks of Senator JOHNSON's incapacitation, is 50 to 49. He will be back with us soon. But even then, it is 51 to 49. It is a very closely divided Senate, and we are getting work done recognizing that there can be no bullies in the Senate, that we have to work together to get things done.

I think we have accomplished a lot this week. All 100 Senators deserve a pat on the back.

If there is no further business to come before the Senate today, I would turn to the Republican leader to see if he has comments before we adjourn.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, I would only add my own sentiment with regard to next week. It will be a challenging week; budget week always is. For those who are interested in offering amendments, obviously the earlier in the week, the better.

The majority leader and I have talked about the challenges associated with the so-called vote-arama that occurs at the end of the budget debate every year, which is frustrating to both sides. Some have thought it mutually assured destruction in terms of morale. The only way to have any real impact on that obviously is for Members to offer their amendments earlier in the week, hopefully to be allowed votes earlier in the week, thereby minimizing the multiplicity of votes that frequently occur—in fact, always occur—at the end of a budget resolution when the time expires.

We look forward to a challenging week and will see all of our Members next week.

Mr. REID. I say to my friend, being the great fan of basketball that he is, I thought he would note that Louisville won the first game today.

Mr. McCONNELL. I appreciate the majority leader noting that Louisville won the game today. I might say to my good friend, it is on the DVR, and I expect to watch it at home tonight. I note that UNLV and URI will play tomorrow.

ADJOURNMENT UNTIL MONDAY, MARCH 19, 2007, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate today, if the Republican leader has nothing further—I understand that is the case—I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Monday, March 19, 2007, at 2:00 p.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2007:

DEPARTMENT OF STATE

DELL L. DAILEY, OF SOUTH DAKOTA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE HENRY CRUMPTON.

MARK P. LAGON, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE, VICE JOHN RIPIN MILLER, RESIGNED.

HENRY BONILLA, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE JOHN F. MAISTO, RESIGNED.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

PHILLIP CARTER, III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

HANS G. KLEMM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

STEPHEN W. PORTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE DAVID GELERNTER, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 15, 2007:

THE JUDICIARY

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.