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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.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Reverend Brian C. Mentzer, of Riverdale Baptist Church, in Upper Marlboro, MD.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, ruler and maker of Heaven and Earth, we recognize that in You we live and move and have our being and that You are not far from each one of us. We praise You for You are the creator and sustainer of all life. We thank You for Your grace and love, righteousness and wisdom.

Sovereign Lord, we humbly seek Your guidance today on behalf of these Senators. May they fulfill their responsibilities before You with courage and compassion. May they chart a course for our Nation to follow that pleases You. May they hold their office in which You have placed them and may they discharge their obligations to this Nation and to You with dignity, charity, and honor. As they face great pressures, please give them Your wisdom to make decisions based on Your principles.

You have told us in Your word that righteousness exalts a nation but sin is a reproach to any people. As Nehemiah of old prayed, we also ask You . . . God please forgive us of our national sins. On too many occasions we have not acted justly, nor loved mercy, nor walked humbly with You. Forgive us, we pray, and cleanse and bless us that we may bless others.

Lord of Hosts, please protect our military forces who bravely stand in harm's way to secure and protect freedom around the world. Grant them swift success in their mission. Bless and keep their families as well.

And now, Lord, we commit the business of this day and this Senate to You, for Yours is the kingdom and the power and the glory forever and ever.

In Your Name we pray. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 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, this morning, the Senate will be in a period of morning business for 1 hour, with the time divided between both sides, the Republicans having the first half and the majority the second half. Following that period of time, the Senate will resume consideration of the 9/11 legislation, S. 4.

Last night, the Republican leader and I had a discussion about the legislation, the importance of completing it and how we do so. The Republican leader modified a pending amendment in order to include the provisions of three other amendments which were pending, and then filed cloture on that amendment. Before adjourning last night, I filed cloture on both the substitute amendment and the bill. So tomorrow morning, Friday, we will have a cloture vote on the Republican amendment. And, of course, if cloture is not invoked, then there is an immediate cloture vote on the substitute. So Members could be here Friday well beyond the noon hour.

Just to remind Members, since cloture has been filed on the substitute and the bill, they have until 1 p.m. today to file any additional germane first-degree amendments. At this point, approximately 110 amendments have already been filed.

Right now, 40 amendments are currently pending. That includes, of course, the substitute amendment. I am advised that from a preliminary review by the Parliamentarians of these pending amendments, only eight of them are germane. I have the list of amendments here. It is a long list, as we indicated, of some 100-plus amendments. Out of those, there are eight that are germane. There may be a couple more that are arguably germane. But that is where we are. We will instruct the two managers to see if they, today, can move through the germane amendments. That would speed things up postcloture tomorrow.

We are still attempting to resolve other issues on this most important bill. It is a bill that deals, as we know, with the recommendations of the 9/11 Commission. It has been 2½ years since they completed their work. The House has already done theirs. We are going to do our very best to follow suit. I feel

comfortable we will be able to complete something before we leave here this Friday or Saturday or, if good fortune smiles on us, we can work out something tonight.

RECOGNITION OF THE MINORITY LEADER

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

PASSAGE OF S. 4

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. We are hoping we can get a number of amendments handled in the course of today's business. This is a measure that—even though it is at the moment flawed—has a chance of getting better in conference and preventing a Presidential veto. It certainly is not the view of this side that we want to prevent passage of this bill, once we have gotten an adequate number of amendments disposed of that have been offered on this side. I think we can work out some way to wrap up this bill sometime in the near future.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee.

The Senator from Texas.

IMPROVING AMERICA'S SECURITY

Mr. CORNYN. Mr. President, we are on a very important piece of legislation, as we all know, the unfinished work of the recommendations of the 9/11 Commission. We have been on this bill now for almost 2 full weeks, but we have been unsuccessful so far in being able to get votes on key amendments, which I do believe would fill a significant gap in the protections that are available to the American people in the post-9/11 world.

We yesterday offered a package of amendments which actually represents a consolidation of previously filed amendments I want to discuss briefly, which I think fulfills that important role of gap-filling in the unfinished work from the 9/11 Commission recommendations.

Last night, Senator MCCONNELL, the Republican leader, filed cloture on amendment No. 312, as modified. It is my hope, when we have that vote tomorrow—as currently scheduled under the regular order—we will have an up-or-down vote on provisions critical to addressing threats that terrorists employ in the United States and on U.S. citizens.

This amendment contains five critical homeland security tools. It is imperative we include this legislation to give the appropriate Federal agencies the authority, No. 1, to punish those who recruit terrorists; No. 2, to revoke the visas of terrorists; No. 3, to allow the U.S. Government to detain dangerous aliens; No. 4, to punish those who provide material support—in other words, financial inducement—or I should say support to families of those who engage in terrorist acts; and, No. 5, to protect families of soldiers from terrorist hoaxes.

These are all contained in amendment No. 312, on which a cloture motion has been filed, and upon which we will vote tomorrow, if not before by agreement.

I want to explain these important tools so Members understand what is at stake.

The first of these provisions is to provide the Federal Government, for the first time in our Nation's history, the ability to punish those who actually recruit terrorists. We know from intelligence products gained from—and now public—Khalid Shaikh Mohammed, the mastermind of 9/11, they were actively engaged in recruiting terrorists within the United States—in our prisons, in some mosques, and elsewhere—with the idea of having a terrorist who could act within this country and who would, therefore, not be stopped by the various protective mechanisms we put in place, whether it be the Transportation Security Administration, improvement of our intelligence gathering and sharing to prevent dangerous aliens from entering the country and committing terrorists acts.

The whole concept behind Khalid Shaikh Mohammed's efforts was to recruit people domestically, people who would not meet sort of the typical description some would anticipate or the profiles the intelligence officials might have of the type of person who would be logically suspect for terrorist activities. So what this part of the amendment would do would be to punish recruitment of terrorists within the United States. This is a gap in our laws that needs to be filled.

Senator GRASSLEY had previously filed an amendment which is now included in this consolidation. This has to do with revoking the visas of terrorists. Under current law, visas approved or denied by consular officials are nonreviewable. That is overseas. If somebody applies for a visa, and they do not get it, then those are not reviewable. In other words, there is not a stream of litigation or successive appeals they can go through in order to challenge the denial of their visa.

However, if a visa is approved but later revoked and that individual is on U.S. soil, the decision by the consular officer is reviewable in U.S. courts. This amendment makes these revocations nonreviewable.

This is both a practical problem and is actually a huge difficulty, identified by the Government Accountability Office in 2003. They said that even if an alien's visa is revoked on terrorism grounds after the alien reaches the United States, it is almost impossible to deport the suspected terrorist because persons with a revoked visa can stay in the United States and have a right to successive appeals of a consular officer's decision.

Moreover, allowing the review of these revoked visas, especially on terrorism grounds, jeopardizes the classified intelligence that may have led to the revocation in the first place and makes the FBI and CIA hesitant to share the information. We can see how that standoff would occur. They are hesitant to share the information; therefore, visas of dangerous persons are not revoked.

So due to the practical delay caused by review, we would suggest—this amendment suggests—we treat the visas exactly the same whether they are denied outside of the country or revoked inside of the country based on terrorism grounds.

Also included in this package is an amendment that has to do with the detention of individuals who have entered our country illegally and are subject to being repatriated, particularly criminal aliens. This grows out of a Supreme Court decision in 2001, where the Supreme Court held, in the Zabidah case, the Department of Homeland Security could not detain a person longer than 6 months. In this case, for someone with a criminal record, who could not legally stay in the United States, they could not detain them more than 6 months. Unless they were successful in getting them repatriated or returned to their country of origin, the only thing the Department of Homeland Security could do is release them into the general population of the United States. That is simply an unacceptable result.

What this amendment would do is change the statutory law of the United States, as invited by the U.S. Supreme Court, to authorize the Department of Homeland Security to detain dangerous aliens longer than 6 months if, in fact, there is a reasonable expectation that individual will be repatriated to their country of origin.

For example, the Government had to release Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and then called it, bizarrely, ''an act of love,'' and Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes. These are just two individuals who, under the Supreme Court decision, had to be released into the American public—obviously a great danger to the American

people. We need to act to fix this gap, as invited by the U.S. Supreme Court, so dangerous aliens like these individuals can be detained and so the American people can be protected.

One other element of this package of amendments is punishing those who provide material support for terrorists. We recall that Saddam Hussein was providing $25,000 for the families of Palestinians who engaged in terrorist attacks in Israel. The fact is, there is a practice in some quarters of providing financial support for families as an inducement to terrorists so they know that if they commit terrorist acts, at least their families will be financially provided for. Well, this provision of this amendment would punish material support for terrorists, and I think the reasons for doing that are self-evident.

The provision will expand the section of the U.S. Criminal Code which punishes murder or assault of U.S. nationals overseas for terrorist purposes, so that it equally punishes attempts and conspiracies to murder U.S. nationals for terrorist purposes.

Finally, protecting families of soldiers from terrorist hoaxes. The last provision necessary for the safety and security of all citizens is establishing the right of the American Government to protect the families of soldiers from terrorist hoaxes.

Mr. President, I ask unanimous consent that I be allowed to speak for 2 more minutes in our morning business allocation.

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

Mr. CORNYN. This last provision provides the right of the American Government to protect families of soldiers from terrorist hoaxes. For example, this provision would increase the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime.

I think we would all agree that a hoax about the death of a U.S. soldier is a serious offense that should be made a crime and can result in devastating consequences to the family that is the subject of a hoax. In one such incident involving a soldier from Flagstaff, AZ, who was serving in Iraq, the Army sent the soldier a satellite phone so he could call home from Iraq to reassure them that he was, in fact, alive and uninjured. Unfortunately, another soldier was killed in the process of trying to deliver the satellite phone to the soldier so he could reassure his own family, and the message did not get through on a timely basis.

I think we would all agree this is simply unacceptable. Our military personnel put their lives on the line every day for our freedom and our families who support them. One of the most important things we can do is make sure they are protected against those who would perpetrate these kinds of cruel hoaxes on them and take advantage of their concerns and natural anxiety for the welfare of their loved ones serving us abroad.

So I hope our colleagues will vote for cloture on this important package of amendments, and we will have that opportunity tomorrow, if not sooner.

Mr. President, I know I have other colleagues, my two colleagues from Georgia, who are here to speak in our portion of morning business, and I will yield the floor at this time to them.

The ACTING PRESIDENT pro tempore. The senior Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, may I inquire as to how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Seventeen minutes 50 seconds.

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to support the amendment proposed by the Senator from Texas, Mr. CORNYN. It has been 5½ years since the horrendous terrorist attacks against the United States on September 11, 2001. Since that attack, many improvements have been made in the way law enforcement communities around the country are combating terrorism, but it is very important that we continue to give our law enforcement community every tool they need to protect Americans. Americans expect Congress to do everything possible to improve the Nation's security, and Senator CORNYN's amendment adds to the important and necessary tools needed by law enforcement to prosecute the war against terrorism.

I would like to take just a few minutes to touch on some of the important provisions that are included in this amendment. The first issue I would like to talk about is punishing those who recruit or assist terrorists.

For the first time, we will be able to target terrorist recruiters—those who seek out and try to persuade individuals to commit terrorist acts against the United States and our allies.

It is no secret that al-Qaida attempts to seek out individuals living within the United States who can operate freely here and who do not necessarily fit the profile of those who perpetrated the 9/11 attacks to join their cadre of jihadists. Even the 9/11 Commission Report discusses al-Qaida's ability to recruit:

> Mosques, schools, and boarding houses served as recruiting stations in many parts of the world, including the United States.

For example, an early bin Laden organization, al-Khifa, recruited American Muslims to fight in Afghanistan. Al-Khifa had offices in my own State of Georgia as well as Chicago, New York, Boston, Pittsburgh, and Tucson.

The amendment also creates a new offense for aiding the family or associates of a terrorist in order to target those who give money to families of suicide bombers after such bombings. Any person convicted of doing any of these things should face severe punishment. This is not uncommon. We saw Saddam Hussein offering up to $25,000 to the families of suicide bombers in Palestine as a reward for their sons' and daughters' terrorist attacks. This type of support promotes and encourages suicide bombers and simply cannot be tolerated. The American people are probably shocked that these offenses are not already on the books. Support for this amendment will send a strong message that this country has not forgotten how September 11, 2001, changed this world and that we will do everything in our power to prosecute terrorists and those who support them.

A second key provision in this amendment deals with closing a loophole in the law that allows suspected terrorists to stay in the United States after their visas have been revoked on terrorist grounds.

In June of 2003, a GAO report revealed that suspected terrorists can and, in fact, do stay in the United States after their visas have been revoked because they are suspected of terrorist activity. After the loophole came to light, the GAO found that more than 100 people were granted visas that were later revoked because there was suspected terrorist activity.

Under current law, decisions to approve or deny visas by consular officers are nonreviewable and deemed final. However, if a visa is approved and the individual enters the United States and then the visa is revoked while that person is still in the United States, the revocation decision is reviewed by the U.S. courts. Giving an alien on U.S. soil the ability to appeal a revocation decision when it is based on terrorist-suspected grounds virtually annihilates the effectiveness of this antiterrorism tool.

To begin, visa revocations are not taken lightly, according to the State Department. A State Department spokesman made this comment:

> A consular officer does not have the authority to revoke a visa based on suspected ineligibility, or based on derogatory information that is insufficient to support an ineligibility finding. A consular revocation must be based on an actual finding that the alien is ineligible for a visa.

In addition, each alien gets the opportunity to explain their case, so once a consular officer notifies an alien of his intent to revoke, the consular officer must give the alien the opportunity to show why the visa should not be revoked.

I ask my colleagues to recall the 9/11 Commission Report's finding on our flawed visa policies. We know that the 19 hijackers used 364 aliases and lied on their visa applications when they applied for 23 and obtained 22 visas. Allowing aliens to remain on U.S. soil with revoked visas is a national security concern, and this amendment will close this loophole in the law so they cannot do it again.

A third issue this amendment deals with is the detention of deportable aliens. The Supreme Court has limited the period of detention of deportable aliens to 6 months after a final order of removal is issued. As a result, when the difficulty in removing an alien lasts up to 6 months, the U.S. Government has

to release the alien into the public. We have all heard the deplorable stories of some of the horrific acts committed by deportable aliens who were released into the United States after they were not removed from the country within the 6-month limit. This amendment would allow the Government to keep these aliens in custody until they can be removed and prevent them from harming American citizens.

I want to close by thanking my colleague from Texas for the work he has done on this amendment and his effort in making our country safer. This is what the American people want, expect, and deserve. This is the right thing to do, and I urge my colleagues to support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate my colleague, Senator CHAMBLISS from Georgia, and his excellent remarks. I stand today shoulder to shoulder with him in endorsing Senator CORNYN in what he has brought forward to the Senate. Notwithstanding one's position on the debate of the last 3 days, I think it is ironic that we spent the last 72 hours debating whether we should give collective bargaining rights to TSA employees after we debated this 5 years ago and decided not to do that and after having spent very little time talking about 9/11 and the security of the United States of America.

What Senator CORNYN has done is taken the ideas of Senator KYL, Senator GRASSLEY, Senator CORNYN, and others and brought forward meaningful amendments that ought to be on a 9/11 bill. I sincerely hope that my colleagues, when the cloture vote comes forward tomorrow, will vote to invoke cloture so we can bring these amendments to the floor and have a meaningful addition to the 9/11 bill.

I wish to talk about three of these amendments for just a second and talk about why they are so important.

No. 1 is on recruiting. It is always good when you can tell a real life story and not just a hypothetical. About a year ago, in my hometown of Atlanta, GA, there was an announcement by the U.S. Secret Service, the CIA, and international intelligence agencies that two young men at Georgia Tech—the Georgia Institute of Technology—had been taken into custody under suspicion of terrorism. As it turns out, both of these two young men, using the library computers at Georgia Tech, were in a terrorist cell that was born in Pakistan, organized in Toronto, and was recruiting in Atlanta, GA.

Now, not because we overlooked it but because nobody ever thought about it, we have never had a statute to punish someone for recruiting terrorism. So right in my own home State of Georgia, right in my own hometown, two 21-year-old students at Georgia Tech were recruited and, fortunately, caught and, fortunately—because of the PATRIOT Act, I might add—intercepted because of the watching and the maintenance of those computers. But this was a terrorist cell, and these individuals were recruited. There is no punishment for recruiting those folks.

Al-Qaida has demonstrated and the 9/11 Commission told us that recruitment is the main source or resource of human beings for suicide bombers, for airplane hijackers, and others who would carry out the acts of al-Qaida. So, first of all, Senator CORNYN bringing this forward is absolutely appropriate.

Secondly, and briefly, Senator GRASSLEY's amendment with regard to the reviewability of the revocation of a visa is included in this package. Paint this picture for a second: All 19 of the hijackers on 9/11 got into the United States in a legal way. Most of them had overstayed their visas. But just think for a second. Had they been caught, had they been suspected of a terrorist act when they were about to commit it, and had their visa been revoked, they would have had the right to stay in this country and judicially appeal that revocation, which meant they could have stayed here even after being identified and quite possibly still carried out a terrorist attack.

To let you know how important this amendment is, I have an interesting fact for everybody to take in and digest for just a second. In 1986, when we reformed immigration in this country, we granted amnesty and created a number of legal citizens and legal visas in the United States. We also created a mechanism for judicial review. There are still two cases from the 1986 Immigration Reform Act under judicial review 21 years later. Those individuals still remain in the United States of America.

If we capture somebody for suspected terrorism and, under the disciplines we use, revoke that visa, it only stands to reason that they should not be reviewable and should be returned to the country from which they came.

Otherwise, we would be knowingly and willingly harboring someone we suspect would cause harm to the United States of America and commit a terrorist act.

Mr. President, I appreciate the time that has been afforded me. I stand in full support of the Cornyn amendment and in a sincere hope that my colleagues will vote for the motion to invoke cloture and pass this very important amendment for the safety and security of the United States of America and its people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 831 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu modified amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the

voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government'?s ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) modified amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism, to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review, to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States, to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) modified amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States.

Coburn amendment No. 301 (to amendment No. 275), to prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the Act.

Lieberman (for Menendez) amendment No. 354 (to amendment No. 275), to improve the security of cargo containers destined for the United States.

Specter amendment No. 286 (to amendment No. 275), to restore habeas corpus for those detained by the United States.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Ensign amendment No. 363 (to amendment No. 275), to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high hazard materials.

Biden amendment No. 384 (to amendment No. 275), to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the homeland.

Bunning amendment No. 334 (to amendment No. 275), to amend title 49, United States Code, to modify the authorities relating to Federal flight deck officers.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high hazardous materials.

Schumer amendment No. 366 (to amendment No. 275), to restrict the authority of the Nuclear Regulatory Commission to issue a license authorizing the export to a recipient country of highly enriched uranium for medical isotope production.

Wyden amendment No. 348 (to amendment No. 275), to require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, is made available to the public.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

AMENDMENT NO. 291

Mr. LIEBERMAN. Mr. President, I now call for the regular order with regard to the Sununu amendment, No. 291.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, that is where we will keep the Senate for some period of time as we hope people on both sides can reason together and come to some meeting of the minds that will allow us to complete work on the more than 50 amendments that are pending and in a state of suspended gridlock and, unfortunately, standing in the way of the adoption of the 9/11 bill that is before us.

I will repeat that this bill came out of our Homeland Security and Governmental Affairs Committee with a nonpartisan vote—16 to nothing and 1 abstention. It has matters that are critically important to our national security and our homeland security. It would be a shame if its passage here and movement to conference with the House, which has already passed companion legislation, is held up because of the parliamentary and procedural gridlock the Senate is in now.

I hope my colleagues on both sides can, as I said, reason together to break that gridlock so we can complete work on the pending amendments and proceed to final passage of this legislation. Pending that, the Sununu amendment, No. 291, will remain the pending business.

Mr. President, I now 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. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Mr. President, as the Chair knows, and Members of the Senate know, the Senate is unfortunately in gridlock at this moment on this important bill because of disagreements as to how to handle several of the amendments. The trouble is the essential bill that came out of our committee, on which the distinguished occupant of the chair is a member, is intact. It does a lot to support first responders at the local level, to increase information sharing within our Government to avoid the failure to connect the dots that preceded 9/11. It is full of very important unfinished business that came from the 9/11 Commission Report.

Unfortunately, in addition to the 50 amendments pending and the refusal of

some Senators to grant consent to go on to hold votes on amendments on which we actually have bipartisan agreement, yesterday the minority leader came to the floor, and in a unique action—it is not seen around here too much—filed a cloture motion on four amendments that were pending. That will now keep us, barring some break and agreement between our leaders, in this state of suspended animation until tomorrow when the vote is scheduled both on the cloture motion filed by the Republican leader and the one on the overall bill to bring us to a conclusion filed by Senator REID, the majority leader. What is very important is to focus us back on what this is all about and, hopefully, to shake us all up to remember that we are responding to, in this legislation, 5½ years after 9/11, the unfinished business of our Nation to protect our people from another terrorist attack.

Obviously, we are building on what we did in the 9/11 Commission legislation that passed in 2004, but there is more to do; we all agree. I am about to read a letter into the RECORD. I hope this letter will be read by every Member of the Senate and bring us back to what this is all about and honestly force us to reason together to get over this momentary gridlock to do what is important for our country.

The letter is addressed to the Republican leader, the Honorable MITCH MCCONNELL. It comes from a number of the leaders of groups established by family members of victims of 9/11: Carol Ashley, mother of Janice, 25, member of Voices Of September 11th; Mary Fetchet, mother of Brad, 24, founding director and president of Voices of September 11th; Beverly Eckert, widow of Sean Rooney, 50, member of Families of September 11; and Carie Lemack, daughter of Judy Larocque, 50, cofounder and president, Families of September 11. Obviously, the names I mentioned, the first names and ages, were among those who were killed by the terrorists on September 11. This is a letter from these four family members of September 11 to Senator MCCONNELL.

The letter reads as follows:

MARCH 8, 2007.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: As family members who lost loved ones on 9/11, we support full implementation of the 9/11 Commission recommendations. We are writing out of grave concern that your recent introduction of highly provocative, irrelevant amendments will jeopardize the passage of S. 4. It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations and we strongly disagree with these divisive procedural tactics.

Just as the Iraq war deserves separate debate, so do each of the amendments you offered. S. 4 should be a clean bill and debate should conclude this week with a straight up and down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.

Tactics such as those you are contemplating, aimed at endangering the 9/11 bill, sends a signal to America that partisan politics is alive and well under your leadership. Both parties must work together to pass this critical legislation. We, the undersigned, understand the risk of failure all too well.

Respectfully,

CAROL ASHLEY,
Mother of Janice, 25, Member, VOICES of September 11th.

MARY FETCHET,
Mother of Brad, 24, Founding director and President, Voices of September 11th.

BEVERLY ECKERT,
Widow of Sean Rooney, 50, member, Families of September 11.

CARIE LEMACK,
Daughter of Judy Larocque, 50, Cofounder and President, Families of September 11.

This letter should be read by every Member of the Senate, not only with regard to the cloture motion that was filed yesterday but, frankly, also to some of the normal posturing and game playing that is going on by different Members, blocking agreement and moving forward on the bill unless their particular amendment is agreed to.

It is time for us to wake up, focus on what is really important and get this bipartisan bill, S. 4, Improving America's Security Act, adopted as soon as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I thank the Chair. While the Senate awaits resolution on the parliamentary and, I suppose, political gridlock in which we find ourselves, I thought I would say a few words to remind my colleagues of the background that led to this particular legislation, S. 4, which, I repeat, came out of our Homeland Security Committee with a unanimous, nonpartisan vote of 16 to 0 and one abstention and is before us now.

I go back to August 21, 2004. On that day, the 9/11 Commission's official mandate as an independent, nonpartisan commission ended, 1 month after the release of their final report. But the 10 Commissioners, the 10 citizens who were members of the Commission and responsible for its extraordinary work—the findings, the recommendations, many of which we adopted in legislation that followed in 2004—the 10 Commissioners decided to stay active in the public debate over the Commission's recommendations that fall. They made a real contribution to continuing to remind us why adopting—certainly considering first and then adopting—their recommendations was so important. They testified before Congress during the latter half of 2004 and played a critical role in helping bring about the passage and enactment and the signature by the President of the Intelligence Reform and Terrorism Prevention Act of 2004.

The 10 Commissioners understood the importance of keeping the spotlight on the implementation of their recommendations. They concluded that without their persistent attention, there was a risk that we in Washington would lose focus on the difficult challenges that had been highlighted in the Commission's report and that we would go on to other work—not that, obviously, we would lose our care and concern about terrorism. So these 10 Commissioners formed the 9/11 Public Discourse Project, an independent nongovernmental group that held a number of meetings in 2005 to follow up on the implementation of the Commission's recommendations.

This group, the 9/11 Public Discourse Project, held a series of public meetings to which I have referred in 2005 to gauge progress on implementation of the legislation that resulted from their initial report. In the fall of 2005, later in the year, they issued a series of report cards on intelligence, homeland security, and foreign policy that graded the Federal Government on its implementation of their recommendations.

On December 5, 2005, these Commissioners, now joined together in what they called The Project, issued their final report summarizing their grades on the implementation of the 9/11 Commission's 41 recommendations. I can't say that I agreed with all their grades, but they were certainly sobering and should also have been motivating for all of us. The Project issued 1 A, 11 Bs, 9 Cs, 12 Ds, 5 Fs, and 2 incomplete grades. That calculates out to a C-minus average—not exactly the type of grades that would make us happy if our kids brought them home, and obviously the kinds of grades that should make us not only unhappy but agitated and anxious to raise them up when the grades deal with our national security, our homeland security.

The cochairs of the 9/11 Commission who went on to be cochairs of the 9/11 Public Discourse Project, former New Jersey Governor Thomas Kean and former member of the House of Representatives Lee Hamilton, vice-chair, issued a statement on the release of the report where they lamented the progress and its implementation. I quote from the Kean-Hamilton statement on December 5, 2005. They said:

We are safer—no terrorist attacks have occurred inside the United States since 9/11—but we are not as safe as we need to be.

I continue quoting:

We see some positive changes. But there is so much more to be done. Many obvious steps that the American people assume have

been completed have not been. Our leadership is distracted.

''There is so much more to be done,'' Chairman Kean and Vice Chairman Hamilton told the Nation that day at the end of 2005. That is why our Homeland Security Committee took up the call and why we reported out S. 4, which is before the Senate today.

Chairman Kean and Vice Chairman Hamilton went on in their remarks to discuss areas that had not been adequately addressed. They focused on interoperability for first responders around the country, effective screening of visitors to the U.S. against the terrorist watch list, homeland security grant allocations, and they bemoaned what they called ''the lack of urgency about fixing these problems.''

Their statement then continued:

Bin Laden and al-Qaida believe it is their duty to kill as many Americans as possible. This very day they are plotting to do us harm.

On 9/11 they killed nearly 3,000 of our fellow citizens. Many of the steps we recommend would help prevent such a disaster from happening again. We should not need another wake-up call.

I continue—this is all Kean and Hamilton:

We believe that the terrorists will strike again. If they do, and these reforms have not been implemented, what will our excuses be? While the terrorists are learning and adapting, our government is still moving at a crawl.

Tough words from Tom Kean and Lee Hamilton.

The terrorists are learning and adapting faster than ever. We saw evidence of that last August in the United Kingdom when a terrorist plot to blow up planes using liquid explosives—those planes heading toward the United States—was thankfully disrupted. We see evidence on the Internet today which terrorist groups are using increasingly to find new recruits, to develop new capabilities, to share information, and to propagandize about their latest exploits. They are moving, these terrorists, at a rapid pace. We not only must keep up with them, we must move ahead of them and move more rapidly than they are.

Chairman Kean and Vice Chairman Hamilton went on to discuss responsibility for addressing this challenge. They said:

The first purpose of government in the preamble of our Constitution is to ''provide for the common defense.'' We have made clear time and again what we believe needs to be done to make our country safer and more secure: The responsibility for action and leadership rests with Congress and the President.

Of course, I agree, and I presume every Member of the Senate agrees, the responsibility rests with us and with the President. We have a choice to make as we debate this bill. We can bear the burden and responsibility of action and leadership and carry out the essential reforms that will strengthen our Nation's security or we can forego our responsibilities and take a chance with the homeland security of our country and its people. That is a risk that I know no Member of this Chamber wants to take.

In the final chapter of their book, ''Without Precedent''—that is the name of the book, ''Without Precedent''—which recounted their experience leading the 9/11 Commission, Tom Kean and Lee Hamilton repeat this last statement and conclude with these powerful words:

We now call upon our elected leaders to come together again with that same sense of urgency and purpose. We call upon Republicans and Democrats to work together to make our country safer and more secure. The American people deserve no less.

That is from Tom Kean and Lee Hamilton. They are absolutely right. They deserve no less. The American people deserve no less.

So we have come together on our committee, and we are moving very rapidly on the Senate floor, beginning last Wednesday through this week. We have had some good, healthy debates, disagreements, but resolved with votes. The bill as it came out of our committee is in strong shape. It would be a tragedy if we let the procedural differences, the personal concerns about individual amendments, the inability to reason together to stop us from passing this bill and passing it urgently. I am confident that we will be able to do it, but the sooner the better.

I thank the Chair.

Mr. President, I yield the floor. I note the presence of my friend and colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 813 and S. 814 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, 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. LIEBERMAN. 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. LIEBERMAN. Mr. President, I note the presence on the floor of our colleague from Arizona. I yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, yesterday afternoon, our colleague Senator SPECTER criticized the decision of the U.S. Court of Appeals for the District of Columbia in the Al Odah v. U.S. case. That decision upheld the recently enacted Military Commission Act's bar on lawsuits brought by enemy combatants held at Guantanamo Bay.

Senator SPECTER argued that the Guantanamo detainees have a constitutional right to bring these lawsuits, and he predicted that Al Odah will be overruled. He based his argument largely on the Supreme Court's 2004 decision in Rasul v. Bush. Senator SPECTER argued that Rasul's ruling that habeas extends to Guantanamo Bay was a constitutional ruling. Senator SPECTER based his argument on Rasul's discussion of the 18th century common law of habeas corpus. Senator SPECTER also argued that Justice Scalia's opinion in Rasul acknowledged that Rasul overruled Johnson v. Eisentrager, the landmark decision establishing that captured enemy combatants do not enjoy the privilege of litigation.

I will address each of Senator SPECTER's argument in turn. At the outset, however, I would like to note that last September, Senator SPECTER argued that a passage from the plurality opinion in the 2004 decision in Hamdi v. Rumsfeld established that all aliens held in the United States, regardless of combatant status, are constitutionally entitled to seek writs of habeas corpus. In response at that time, I argued that Hamdi did not effect such a radical result. I noted that the holding of Hamdi clearly only involved U.S. citizens; that the notion of extending habeas to aliens based on territorial distinctions was inconsistent with the logic of Hamdi; and that Senator SPECTER's reading of Hamdi was inconsistent with basic rules of construction that urge against reading groundbreaking new rules into obscure and ambiguous passages of opinions.

I am pleased to see that, today, Senator SPECTER has not renewed the argument that Hamdi extended habeas rights to noncitizen enemy soldiers. I will assume that he was persuaded by the force of the arguments that I made last September.

Today, allow me to try to persuade Senator SPECTER, and the rest of my colleagues, that the majority opinion in Rasul v. Bush does not require that the constitutional guarantee of habeas corpus be extended to alien enemy combatants who are being detained during wartime.

Section 7 of the Military Commissions Act, like its predecessor, the Detainee Treatment Act, is predicated on the continuing validity of Johnson v. Eisentrager's constitutional holding, on the unbroken common-law tradition of denying the privilege of litigation to captured alien enemy soldiers, and on the understanding that the holding in Rasul v. Bush was a statutory holding, not a constitutional one.

Neither Senator SPECTER, nor anyone else, has been able to cite a single case prior to Rasul v. Bush in which any English or American court has ever held that captured enemy soldiers who are not citizens are entitled to seek the writ of habeas corpus. Not one case can be cited that grants the writ to alien enemy soldiers. The absence of any such example over the centuries of the history of the writ of habeas corpus speaks volumes, and alone should be

conclusive of the constitutional question. Simply put, when the Constitution was adopted, the notion that the common law writ of habeas corpus could be employed by alien enemy soldiers was unheard of and it remained unheard until June of 2004, when the Supreme Court decided Rasul v. Bush.

Of course, with 5 votes, the Rasul Court could have grafted a habeas right for alien enemy combatants onto the Constitution. I believe that to do so would have been deeply irresponsible, and I believe that this is clearly not what the court did in Rasul.

In support of his interpretation of Rasul, Senator SPECTER argued that Justice Scalia's opinion in Rasul noted that the Rasul majority overruled Eisentrager, which had denied litigation rights to alien enemy combatants. In response, I would first note that Justice Scalia's opinion in Rasul was a dissenting opinion. As any lawyer knows, a dissenting opinion's characterization of a court's holding is hardly authoritative. An argument about what a case means that is based primarily on the dissent is inherently a weak argument.

Moreover, I do not think that Justice Scalia's dissenting opinion in Rasul is in any way inconsistent with the notion that Eisentrager's constitutional holding remains good law, and that the constitutional right of habeas corpus does not extend to alien enemy soldiers. Justice Scalia makes clear in his dissent that he is accusing the majority only of overruling Eisentrager's statutory holding, not its constitutional holding.

Justice Scalia begins at page 493 of his dissent by quoting the following passage from Eisentrager: ''Nothing in the text of the Constitution extends such a right''—a right of habeas corpus for war prisoners held overseas—''nor does anything in our statutes.'' It is Justice Scalia who italicized the absence of a statutory right when quoting this passage. He then went on to note:

> Eisentrager's directly-on-point statutory holding makes it exceedingly difficult for the Court to reach the result it desires today. To do so neatly and cleanly, it must either argue that our decision in Braden overruled Eisentrager, or admit that it is overruling Eisentrager.

In this passage, Justice Scalia does accuse the Rasul majority of overruling Eisentrager, but he also makes clear that he only accuses it of overruling Eisentrager's statutory holding, not its constitutional holding.

But the argument that Rasul v. Bush's holding was only statutory, and did not extend constitutional rights to enemy combatants, is supported by more than just Justice Scalia's dissent. The majority opinion itself repeatedly and clearly indicates that the holding in that case is only statutory, not based on the Constitution. For example, on page 475 of the opinion, for example, the majority clearly states that ''[t]he question now before us is whether the habeas statute confers a right to judicial review'' of the detention of the detainees at Guantanamo Bay. Thus the court was careful to make clear that it was the habeas statute that it was interpreting, not the Constitution.

On the next page, when distinguishing Eisentrager, the Rasul majority opinion states that ''Eisentgrager made quite clear that [its analysis was] relevant only to the question of the prisoner's constitutional entitlement to habeas corpus. The court had far less to say on the question of the petitioner's statutory right to habeas corpus.''

Finally, at page 478, when explaining how it would distinguish the holding in Eisentrager, the majority stated: ''Because subsequent decisions of this Court have filled the statutory gap that had occasioned Eisentrager's resort to ''fundamentals,'' persons detained outside the territorial jurisdiction of any federal district court no longer need rely on the Constitution as the source of their right to federal habeas review.''

This statement could not be clearer that Rasul only addressed the petitioners' statutory right to habeas, not any constitutional right. The court stated that statutory changes—or rather, changes in the interpretation of statutes—made it unnecessary to reach any constitutional questions in Rasul.

Senator SPECTER's other main argument for his interpretation of Rasul is that the majority opinion's discussion of 18th century common law is a constitutionally binding interpretation of the scope of the writ. My response is that may be so, but it is not relevant to the constitutionality of the Military Commissions Act. The discussion in Rasul that Senator SPECTER cites is about how far the writ applies overseas. It is not about whether the writ applies to alien enemy soldiers.

Rasul's discussion of the common law of habeas corpus appears in Part IV of the majority decision—after the court had already decided that the statutory right extended to the detainees at Guantanamo. This part of Rasul is devoted to responding to the argument that the presumption against extraterritorial application of legislation requires that the habeas statute be construed to not extend to Guantanamo Bay. Justice Stevens stated that ''[w]hatever traction the presumption against extraterritoriality might have in other contexts, it certainly has no application to the operation of the habeas statute with respect to persons detained within 'the territorial jurisdiction' of the United States.'' Justice Stevens then asserted that at common law the writ applied to aliens held overseas, and he went on to describe common law cases that he characterized as extending the writ to aliens held at places outside of the ''sovereign territory of the realm.''

Whatever the merits of Justice Stevens's historical analysis, it is used in Rasul only to rebut the presumption against extraterritoriality. It is used to argue that the writ presumptively does extend overseas. But this part of Rasul does not address the central question raised by the Military Commissions Act: whether alien enemy soldiers, wherever they are held, are constitutionally entitled to seek the writ of habeas corpus. Regardless of whether the writ applies to other aliens held at U.S. facilities overseas, the writ does not—it has never been extended—to alien enemy combatants detained during wartime, whether those soldiers are held inside or outside of the United States.

None of the common law decisions that Justice Stevens discusses in part IV of his opinion granted habeas relief to an alien enemy war prisoner. That is because, as I noted earlier, in the history of habeas corpus, prior to Rasul, alien enemy war prisoners have never been found to be entitled to the writ. Rasul's historical analysis can be cited for the proposition that the writ extends extraterritorially, even to aliens. But its discussion does not address the question that we are concerned with here today: whether the writ extends to alien enemy soldiers.

Indeed, at one point in its discussion, the Rasul opinion does tend to confirm that the common-law habeas right does not extend to enemy soldiers. In its exploration of the scope ''historical core'' of the common-law writ, Rasul quotes a passage from the Supreme Court's prior decision in Shaughnessy v. United States, which noted that executive imprisonment has long been considered oppressive and lawless, and that no man should be detained except under ''the law of the land.'' As Rasul notes, this commentary on the historical scope of the writ came from Justice Jackson.

Just 3 years before he wrote the passage in Shaugnessy that is quoted in Rasul, here is something else that Justice Jackson said about the scope of the writ. Here is what Justice Jackson said in Johnson v. Eisentrager about the notion that the writ extends to alien enemy war prisoners: ''No decision of this Court supports such a view. None of the learned commentators on our Constitution has ever hinted at it. The practice of every modern government is opposed to it.''

So there you have it, from the same source that the Rasul majority quotes to establish the historical scope of the writ. The writ upholds and enforces the law of the land, but the law of the land does not extend litigation privileges to aliens with whom we are at war.

Let me also cite another, more recent source in support of my argument. Yesterday, Senator SPECTER quoted an editorial from the New York Times that, unsurprisingly, was hostile to the Military Commissions Act and the Administration. In response to Senator SPECTER's liberal columnist, allow me cite my own liberal columnist Benjamin Wittes. Mr. Wittes writes op-eds for the Washington Post, is a scholar

at the Brookings Institution, and generally has unimpeachable liberal credentials. I doubt that he and I agree on very many things. Yet this is what he had to say, in a recent column in The New Republic, about the D.C. Circuit's decision in Al Odah upholding the Military Commissions Act:

The [Al Odah] court held both that Congress—not the executive branch—stripped the courts of jurisdiction to hear lawsuits from detainees at Guantánamo, and that it had the constitutional power to do so. As a legal matter, the decision is correct. And, if and when the Supreme Court reverses it, as it may do, the decision won't be any less correct. The reversal will signify only that a majority of justices no longer wishes to honor the precedents that still bind the lower courts.

As the case heads towards the Supremes, you'll no doubt hear a lot about suspension of the Great Writ of habeas corpus—the ancient device by which courts evaluate the legality of detentions. And you'll also hear a lot about Guantánamo as a legal ''black hole.'' It's all a lot of rot, really, albeit rot a majority of the justices might well adopt.

Until the advent of the war on terrorism, nobody seriously believed that the federal courts would entertain challenges by aliens who had never set foot in this country to overseas military detentions—or, at least, nobody thought so who had read the Supreme Court's emphatic pronouncement on the subject. ''We are cited to no instance where a court, in this or any other country where the writ is known, has issued it on behalf of an alien enemy who, at no relevant time and in no stage of his captivity, has been within its territorial jurisdiction,'' the Court wrote in 1950. ''Nothing in the text of the Constitution extends such a right, nor does anything in our statutes.''

A final passage from Mr. Wittes Commentary reads as follows:

Notwithstanding the passionate dissent in the D.C. Circuit case, the notion that [the Military Commissions Act] somehow suspends the writ—a step the Constitution forbids except in cases of rebellion or invasion—is not credible. As a legal matter, it merely restores a status quo that had been relatively uncontroversial for the five decades preceding the September 11 attacks—that federal courts don't supervise the overseas detentions of prisoners of war or unlawful combatants. The demand that they do so now is not one the Constitution makes.

I would also like to address a point that Senator SUNUNU made on the floor yesterday. Senator SUNUNU argued that, because detention of the Guantanamo prisoners may be indefinite, these prisoners should be given a right to challenge their detention.

In response, I would like to simply describe the protections that the CSRT process provides to Guantanamo detainees and discuss why it would be highly problematic to substitute that process with habeas review.

In the CSRT system, a detainee is provided with a personal representative who is assigned to help him prepare his case before the tribunal. CSRT hearings also include a hearing officer who is required to search government files for ''evidence to suggest that the detainee should not be designated as an enemy combatant.'' Prior to the actual hearing, the CSRT officers must provide the detainee with a summary of the evidence to be used against him. CSRTs are then subject to administrative review, and the detainee has an appeal of right to the U.S. Court of Appeals for the District of Columbia, which is charged with evaluating whether the tribunal complied with the CSRT rules, and whether those rules and procedures are constitutional.

All of the procedures described here, incidentally, are above and beyond what lawful prisoners of war are entitled to under the Geneva Conventions in an Article 5 hearing. Those hearings do not assign anyone to help a detainee, they do not require the government to search its files for exculpatory evidence, they do not require that a summary of the incriminating evidence be provided to the detainee, and they are not subject to any judicial review whatsoever.

Indeed, the CSRTs not only provide more process than is required under the Geneva Conventions; the CSRTs require more process than the Supreme Court has suggested is required for the United States to detain even a U.S. citizen as an enemy combatant. In the governing plurality opinion in the 2004 Hamdi decision, the Supreme Court suggested that even a U.S. citizen could be detained as a war prisoner if his detention were reviewed by a ''properly constituted military tribunal.'' The Supreme Court expressly cited as an example of such a tribunal the Article 5 hearings that are conducted under the Geneva Conventions in cases where there is doubt about a detainee's status. The CSRTs are modeled on and closely track these Geneva Convention Article 5 hearings. And, as I just described, in several respects the CSRT process provides even greater protections than an Article 5 hearing provides.

The Military Commissions Act, of course, does not apply at all to United States citizens. Out of deference to the force of the legal argument made by Justice Scalia in Hamdi v. Rumsfeld, both the DTA and the MCA were drafted to only bar aliens from seeking habeas relief, not United States citizens. And, again, the CSRT hearings that alien enemy combatants do receive provide even more process than the Hamdi plurality suggested is owed to an American citizen.

Nevertheless, the detainees and their lawyers are unsatisfied with the CSRT process. They want to give Al Qaeda detainees the right to see classified evidence related to their detention, and they want to allow the detainee to call his own witnesses.

In a recent column in the National Journal, Stuart Taylor, Jr. cites a strong example of why it would be a very bad idea to share classified information with suspected Al Qaeda detainees. Mr Taylor writes:

Consider the list of almost 200 un-indicted co-conspirators, including the then-obscure Osama bin Laden, that prosecutors in the 1995 trial of 11 subsequently convicted Islamist terrorists were legally required to send to defense counsel. ''That list was in downtown Khartoum within 10 days,'' U.S. District Judge Michael B. Mukasey of Manhattan, who tried the case, recalled in a recent panel discussion. ''And he [bin Laden] was aware within 10 days * * * that the government was on his trail.''

Mr. TAYLOR goes on to cite another example where the release of sensitive information to a suspected terrorist in the course of legal proceedings endangered national security:

In another judge's case, [Judge] Mukasey recalled, ''there was a piece of innocuous testimony about the delivery of a battery for a cell phone;'' this tipped off terrorists to government surveillance' and as a result [their] communication network shut down within days and intelligence was lost to the government forever, intelligence that might have prevented who knows what.

Mr. President, it is incidents like this that we must keep in mind when presented with demands that suspected al-Qaida or Taliban members be allowed to pursue habeas litigation. In civilian litigation, a criminal defendant has a presumptive right to see classified evidence used against him. Under CIPA, the Government must summarize or redact the evidence, but the summary or redaction must still provide an adequate substitute for the raw evidence. If the substitute is not deemed adequate, the Government must either show the evidence to the detainee or it cannot use the evidence.

In the context of Guantanamo, where detention hearings rely heavily, if not exclusively, on classified evidence, applying these habeas litigation rules would mean that we would have to either share classified information with al-Qaida detainees or we would have to let them go. Neither of these is an acceptable option. Even the fiercest critics of Guantanamo must accept that the bulk of the detainees held there are connected to al-Qaida or other terrorist groups. We cannot simply seal off these detainees from all contact with the world and assume that we will hold them forever. We must assume that some will be released and that they will be allowed some communication with those outside Guantanamo and, under these circumstances, we simply cannot hand over classified evidence to Guantanamo detainees.

As happened during the embassy bombers' trials, we must assume that classified evidence provided to the detainees will go straight back to the rest of al-Qaida.

I should also emphasize that denying an al-Qaida detainee access to classified information does not mean that such evidence will not be subject to any adversary review in the CSRT and DTA process. In the pending Bismullah case, the Government has proposed a procedural order under which a detainee counsel who has obtained a security clearance would be able to review the classified evidence in the CSRT hearing. If this proposed order is adopted, as I assume it will be in some form, the detainee's lawyer, though not the detainee himself, will have access

to the classified information used in the CSRT.

So when you hear evidence or arguments that the DTA review is unfair or that it is inadequate, keep in mind the actual stakes at issue. The detainee's cleared lawyer will get access to the classified information, but the detainee will not.

Under these circumstances, should the Congress force the military to provide classified information to both the lawyer and the suspected terrorist?

Another complaint about CSRTs is that the Guantanamo detainees are not allowed to call their own witnesses at the hearings. Just who would those witnesses be the detainees would call? Whose testimony would be most relevant to the detainee's enemy combatant status? The only answer to this question would be the soldier who originally captured the detainee.

Here is Mr. Stuart Taylor's commentary on the proposal that Guantanamo detainees be allowed to compel witnesses at their CSRT hearings:

Should a Marine sergeant be pulled out of combat and flown around the world to testify at a detention hearing about when, where, how, and why he had captured the particular detainee? What if the Northern Alliance or some other ally made the capture? And should the military be ordered to deliver high-level al Qaeda prisoners to be cross-examined by other detainees and their lawyers?

I would suggest that simply to ask this question is to answer it.

Here is more that Mr. TAYLOR had to say about such proposals:

Many libertarians and human rights activists, on the other hand, would settle for nothing less than the full panoply of protections afforded to ordinary criminal defendants. They should be careful what they wish for. As McCarthy points out: Enemy combatants are often in a position to be killed or captured. Capturing them is the more merciful option, and making it more difficult or costly would almost certainly effect an increase in the number killed.

The CSRT hearings and the DTA review strike the right balance. They give detainees enough process to ensure that the persons held are enemy combatants and that they pose no threat to the United States. But this system does not provide a process that would undermine the war with al-Qaida or that is inconsistent with the realities of war.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I listened with interest to the contentions of the Senator from Arizona and would respond in a number of ways. First, the Senator from Arizona went to some length to try to undercut the conclusion that aliens are entitled to the same rights as American citizens—aliens held at Guantanamo—and made reference to no case before Rasul had so held.

But the issue is what does Rasul hold? I would refer the Senator from Arizona to the opinion of Justice Stevens, which appears at page 2686 of volume 124 of the Supreme Court Recorder, which says as follows:

Aliens held at the base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241.

Now, it is true that the Congress can change a statute, but it is equally true that Congress cannot change a constitutional right, and there is a constitutional right to habeas corpus, which is set forth explicitly in article I, section 9, clause 2 of the United States Constitution, which says:

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Now, where the Constitution is explicit in the circumstances where the constitutional right can be suspended, obviously there is a conclusion that there is such a constitutional right.

The Senator from Arizona goes into considerable analysis as to why the Eisentrager case has not been overruled by Rasul. Well, it seems pretty plain to me on the face that Rasul does overrule Eisentrager, and I cited in yesterday's argument the conclusion of Justice Scalia that Rasul overruled Eisentrager. Justice Scalia complains of that. If he had found some way to distinguish Eisentrager in the Rasul opinion, I think he would have done so.

The Senator from Arizona says we can't rely on a dissenting opinion as to what the holding is. Well, I would disagree with that. I think a dissenting justice has a good bit of reliability, and especially Justice Scalia. When the concession is made that Justice Scalia reads Rasul to overrule Eisentrager, I think that is pretty good authority, perhaps better authority than the opinion of Arlen Specter, maybe even better authority than the opinion of the distinguished Senator from Arizona, who is a real legal scholar—on the Arizona Law Review, all the academic standards, but perhaps not superior in legal analysis to Justice Scalia.

Mr. KYL. Mr. President, I will stipulate to that.

Mr. SPECTER. I have just had a stipulation, may it please the court, that Justice Scalia's interpretation would topple Senator KYL's interpretation.

Let me pose the question directly to Senator KYL from the debate we have just joined, and I thank him for coming and participating in the debate. It is a rarity on the floor of the Senate to have two Senators debating an issue.

Isn't the flat statement by the Supreme Court, speaking through Justice Stevens, that ''aliens held at base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241''—albeit that is a statute and the Court of Appeals for the D.C. Circuit has tried to sidestep the court opinion in Rasul by saying it was a holding on a statute which the Congress can change, and denies the very strong language of the court in saying that there is a right which was established at the time of 1789, and the Constitution speaks explicitly of the ways to suspend the right, so there is a constitutional right—but taking that language, ''aliens held at base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241,''—isn't that conclusive that aliens are entitled to invoke the habeas corpus rights under the Constitution?

Mr. KYL. Mr. President, first of all, I appreciate both the courtesy of the Senator from Pennsylvania and his important legal analysis and would answer the question in this way.

I think that most observers believe that the Rasul decision is not a decision on the Constitution but on the statute; that it interprets rights based upon the statute, which Congress can change; that it is not a holding that provides a constitutional right to alien enemy combatants to litigate via habeas corpus.

Secondly, the Great Writ that has been quoted by the Senator from Pennsylvania has always been understood in decisions of the court to be defined as it existed at the time of the Constitution. That is why there is always a great interest in looking back to decisions in the common law of England prior to the adoption of our Constitution, the Bill of Rights.

I think, as I said in my statement, that there has never been a case that suggests that at the time the language about habeas corpus was put into our Constitution any court, in either the United States or England, at the time, had ever held that the writ applied to alien enemy combatants. So it has never been held that the writ applies to aliens. It has been held that it applies to U.S. citizens, and it has certainly never been held that it applies to alien enemy combatants.

Mr. SPECTER. Well, Mr. President, may I redirect the line of contention that if the Supreme Court said authoritatively that aliens are covered under a habeas corpus statute, wouldn't that apply a fortiori necessarily to aliens being covered under a constitutional right of habeas corpus?

Mr. KYL. Mr. President, I would say to my colleague that nothing in the grant of the writ in the Constitution, as far as I know, would deny the right of Congress to expand it to include others. Certainly, one could not take away from the writ as it was understood when it was put into the Constitution. For example, we could not deny to U.S. citizens the writ of habeas corpus because of the constitutional provision, but it would not speak to the question of whether Congress could extend the authority of the writ to aliens.

The case here, however, is that the decision in question was based on a statute which Congress had adopted, and it does not go to the question of whether the writ itself ever applied to aliens. In fact, it never applied to alien enemy combatants.

Mr. SPECTER. Mr. President, I would ask the Senator from Arizona if

there is anything in the legislation, 2241, statutory right of habeas corpus, which in any way suggests that it is an expansion of the right of habeas corpus to apply to aliens who were not being comprehended in the ordinary understanding of the constitutional right of habeas corpus. Anything at all in the statute or legislative history?

Mr. KYL. Mr. President, I would have to go back and read it very closely, but my recollection is that the court found the statute rather uninformative and rather unclear, and that was part of the basis for the court reading it in a way that went beyond what I thought it provided. Nonetheless, one can understand that when the court views a statute that doesn't provide clear limitations, its inclination may well be to lean forward in its interpretation.

Mr. SPECTER. Well, Mr. President, it may be uninformative and it may be unclear, but it doesn't, on a statutory basis, extend the right to aliens. To make the contention that a reading of the statutory right of habeas corpus, which goes not beyond that language, was an attempt to extend it, and that the Court, in Rasul, was saying, well, the statute gives more rights than the Constitution, I think, is an extraordinary stretch. But I will conclude the colloquy with the contention that certainly the Great Writ, the constitutional right with all its majesty, would be no narrower than a statute. I would concede Congress could extend the statute further, but there is no indication absolutely that the Congress did intend it. And that the court of appeals' decision, distinguishing Rasul as being a statutory interpretation, and then the court of appeals saying there is no constitutional right, is thinner than tissue paper. But we will hear more from Justice Stevens, I am sure, on this point in due course.

Let me now move to a portion of my argument yesterday on which the Senator from Arizona has not commented. I will begin with the memorandum from the Secretary of the Navy dated July 7, 2004, which defines enemy combatants and then says that notice will be given to all detainees and they will be notified ''of the right to seek a writ of habeas corpus in the courts of the United States.''

As I said yesterday, I hadn't noted this provision until we did the research preparing for debate on this amendment. I will first direct a question to the Senator from Arizona as to whether the Senator from Arizona was familiar, before I cited it yesterday, that the Department of Defense had acknowledged the rights of Guantanamo detainees to seek a writ of habeas corpus in the Federal courts?

Mr. KYL. Mr. President, the answer is no, I was not. I regret I didn't hear the argument of the Senator yesterday.

Mr. SPECTER. The Department of Defense concedes that detainees have a right to a writ of habeas corpus, that Congress has delegated to the Secretary of Defense the authority to promulgate rules relating to the detainees, and where the Secretary of Defense through the Deputy says they have a right to habeas corpus, that should end the discussion.

But let me pursue one other line further here; that is, the fairness of what happens under the Combat Status Review Tribunals.

The memorandum from the Deputy Secretary of Defense defines what an enemy combatant is. It says:

> The term ''enemy combatant'' shall mean an individual who was part of supporting Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy forces.

Then the memorandum further says that:

> A preponderance of the evidence shall be the standard used in reaching this determination, but there shall be a rebuttable presumption in favor of the Government's evidence.

The first question I direct to the Senator from Arizona relates to the rebuttable presumption in favor of the Government's evidence, and note that a very basic, fundamental, Anglo-Saxon, U.S. right is the presumption of innocence. Does the Senator from Arizona think it is fair that there be a presumption of guilt articulated in a rebuttable presumption in favor of the Government's evidence?

Mr. KYL. Mr. President, let me just try to respond very briefly to the question of the Senator. Again, I regret I didn't hear the full argument that was made yesterday.

Mr. GRAHAM. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. SPECTER. Wait a minute. Mr. President, regular order. The Senator from Arizona may yield, but I have directed the question through the Chair to the Senator from Arizona. Having had an extensive discussion on this issue yesterday—and when I say ''extensive,'' it was extensive by the Senator from South Carolina—all factors considered, I would just as soon not hear it again but would be willing to listen to it later.

Mr. KYL. Mr. President, I will respond very briefly by saying, first of all, I fully associate myself—

The PRESIDING OFFICER. Without objection, the Senator from Arizona may respond.

Mr. KYL.—with the comments of my colleague from South Carolina yesterday.

To the first point, if I could just make a brief comment, after the Rasul decision, after the Rasul case was decided—

Mr. SPECTER. No coaching.

Mr. KYL. No coaching.

After the Rasul case was decided, I am sure, Senator SPECTER, you would agree it was important for the Department of Justice to advise people of the rights that were provided as a result of that decision. That is my understanding of what they did. They had a policy of saying: The Court has made this decision. They found a statutory right of habeas corpus, and you have the right to do the following things under that statute. But that would not be a pronouncement of law by the Department of Defense. Certainly it hasn't been relied upon, to my knowledge, by any court in deciding what the scope of the writ is. So, as to your first point, I hardly think it is good evidence of the constitutional application of the writ to detainees that after the Rasul decision, the Department of Justice properly advised people as to their statutory rights based upon that decision.

As to the second question—just one quick quotation. This was provided to me, at my request, by Senator GRAHAM. In the Hamdi case, in the O'Connor opinion, she specifically answers the question you posed, Senator SPECTER, on page 27 of the opinion, where she says:

> Likewise, the Constitution would not be offended by a presumption in favor of the Government's evidence so long as that presumption remained a rebuttable one and a fair opportunity for rebuttal were provided.

Mr. SPECTER. Mr. President, that is a good segue into my next question, as to whether the Combat Status Review Tribunals give you a fair opportunity. I was about to quote Justice O'Connor in support of my argument that there is not a fair opportunity. Let me be very specific. The decision of Judge Green, In re: Guantanamo Cases, which I cited yesterday, which appears in 355 Fed. Sup. 2d 443—and I quote from her statement, at page 468. Judge Greene says this:

> The inherent lack of fairness of the CSRT's [Combat Status Review Tribunal's] consideration of classified information not disclosed to the detainees is perhaps most vividly illustrated in the following unclassified colloquy, which, though taken from a case not precisely before this judge, exemplifies the practice and severe disadvantages faced by all Guantanamo prisoners.

In reading a list of allegations forming the basis for the detention, Mustafa Ait Idir, a petitioner in Boumediene—which is the case that went to the court of appeals; this is the case which they decided and upheld the procedures of the Combat Status Review Tribunal—Judge Green goes on to say:

> The Recorder of the CSRT asserted: ''While living in Bosnia, the detainee associated with a known al-Qaida operative.''

In response the following exchange occurred.

> Detainee: Give me his name.
> Tribunal President: I do not know.
> Detainee: How can I respond to this?

And then the detainee later says:

> I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team. But I do not know if this person is Bosnian, Indian or whatever. If you tell me the name, then I can respond and defend myself against this accusation.

The Tribunal President then says:

We are asking you the questions and we need you to respond to what is on the unclassified summary.

And the detainee later said:

I was hoping you had evidence that you can give me. If I was in your place—and I apologize in advance for these words—but if a supervisor came to me and showed me accusations like this, I would take these accusations and I would hit him in the face with them. Sorry about that.

And then in parens it says:

Everyone in the tribunal room laughed.

That is from the transcript. The Tribunal President said:

We had a laugh but it is OK.

Then Judge Green says:

The laughter reflected in the transcript is understandable, and this exchange might have been truly humorous had the consequences of the detainee's ''enemy combatant status'' not been so terribly serious and had the detainee's criticism of the process not been so piercingly accurate.

This tribunal, as to the detainee in the Boumediene case, that got to the circuit court of appeals—how the circuit court of appeals could say this is fair, how the circuit court of appeals could say this comports with the definition the Department of Defense has set out, that enemy combatant means ''an individual who is a part or supporting Taliban or al-Qaida forces or including a person who has committed a belligerent act or who has directly supported hostilities in aid of the enemy Armed Forces'' when the only thing in the transcript is ''while living in Bosnia the detainee associated with a known al-Qaida operative''—''associated with a known al-Qaida operative'' hardly meets the definition of the Department of Defense itself, of supporting Taliban or al-Qaida forces or ''associated forces that are engaged in hostilities'' or ''a person who has committed a belligerent act.''

This detainee, whose detention was upheld by the Court of Appeals of the District of Columbia on as great a stretch as imaginable on legal principles, is looking at a record where all the detainee was supposed to have done was talked to al-Qaida. They couldn't even name the person. That is miles from satisfying the definition by the Department of Defense.

Let me ask the Senator from Arizona, is that fair?

Mr. KYL. Mr. President, I answer my friend and colleague from Pennsylvania that I disagree with a lot of jury verdicts and with a lot of court opinions. But once a matter is concluded, as officers of the court, we are supposed to respect the decision of the court. I do. I don't know the facts of every case that has been litigated, but they have done so under a procedure that has been upheld as constitutional. Just as I was willing to stipulate that Justice Scalia probably has a better handle on Supreme Court interpretation than either—well, I didn't stipulate that he has a better interpretation than Senator SPECTER, but I acknowledged in my case that he would—I think you have to say that if a court of appeals has made such a decision, then it is a bit presumptuous for us, with great confidence, to say that they necessarily were wrong.

So I am not going to second guess a decision like that. I would rather simply point to the most recent decision which upheld the procedures in the Al-Odah case—that case will be decided by the U.S. Supreme Court. My colleague and I have a different view, I suspect, as to how that case will come out. We will just have to wait and see. If it turns out that I am correct, that the court of appeals' decision is correct, then this debate which we have had here probably won't matter. But I do believe that until that decision is made, it would be unwise for us to again change the law, thus throwing into even greater confusion what has up to now been a pretty confused state of affairs.

Mr. SPECTER. Mr. President, I would not mind being a bit presumptuous. I wouldn't even mind being a lot presumptuous in response to the opinion of the Court of Appeals for the District of Columbia. But I don't think it is presumptuous at all to go into the facts, which we know from Judge Green's opinion, as to the detainee involved in the Boumediene case and where the only allegation is that he talked to an al-Qaida person and they couldn't even give the name.

You have the definition of the Department of Defense requiring that there be information about the detainee supporting al-Qaida forces or committing a belligerent act. However, nobody said those things about the detainee in the case. And then there is the court of appeals, a split court, with the opinion of Judge Rogers in dissent, I understand the relative merits of a two-judge majority, one in dissent, but that doesn't overcome the continuing importance of the Rogers' analysis of the majority opinion concerning their attempt to slice the apple by holding that the Supreme Court's opinion in Rasul was statutory and not constitutional.

The majority said that the Eisentrager case was not overruled by Rasul. But it obviously was, as Justice Scalia acknowledged in his dissent in the Rasul case. And Justice Scalia would have all the more reason for disagreeing if there was any basis at all to say that Eisentrager was not overruled.

You have the court of appeals relying on the Eisentrager case that was specifically overruled by Rasul, and not acknowledging a constitutional right of habeas corpus and not acknowledging the fact that while you can change an act of Congress, a statute cannot trump the Constitution.

I do not think it is presumptive at all to say that the procedures under the combat status review tribunal ought to be changed.

Regrettably we are not going to get a vote on this matter on this bill. We are not going to get a vote because a cloture petition has been filed. That is arcane. But in the unlikely event anybody is watching on C–SPAN 2, that means nongermane amendments will fall, and this is nongermane for technical reasons.

I tried yesterday to get cloture on this amendment, which would have enabled us to get a vote tomorrow morning at the time of the cloture vote on the underlying bill. However, that required getting 17 signatures, and the majority leader was opposed, and the Democrats would not sign on. There are a few Republicans who were prepared to sign on; some did.

But talking to Senator LEAHY, who is the cosponsor, we are going to try to get the majority leader to bring it up free standing, or we can add it on to some other bill, and we will be better prepared to try to get cloture in the future.

Let me say one final word, and that is, Senator KYL and I are good friends. Senator GRAHAM and I are good friends. We sit on many matters where we are in agreement. I have great respect for Senator KYL. I already identified his qualifications—law review, outstanding scholar, outstanding Senator. Senator GRAHAM is an acknowledged expert in military law, knows more about military law than perhaps anybody else in the Chamber, not that he knows more about constitutional law than anybody else in the Chamber, but as much constitutional law as anybody else in the Chamber.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this is going to sound too much like the mutual admiration society, but before Senator SPECTER said what he said, I rose because I wanted, in return, to pay him a compliment.

As chairman of the Judiciary Committee prior to the last election, he performed admirable service to the Senate. I think it is not well known that that kind of a job requires a lot of different skills to be employed to deal with a lot of cantankerous Senators who have their own ideas about how things should be done. Senator SPECTER always conducted that committee in a way which allowed us to get business done, and respected the rights of Senators. Far too often, debate, or what passes for debate in this Chamber, is speeches given by Senators on different points of view, like ships passing in the night with no joining of the issues, and no serious discussion of complex legal issues, when that should be required.

Certainly the Presiding Officer would be well qualified to judge what I am saying. But I always appreciated the opportunity, even when we were in disagreement, to discuss and to debate with the Senator from Pennsylvania, because he is a serious scholar who takes these matters seriously. He may not always come up with legal theory with which I agree, but it is always interesting to debate him. At the end of

the day, I would like to think this kind of debate does add to a record that the Court or other observers might actually find informative and helpful in their decisions.

Again, while we disagree with each other on this matter, I think it is apparent that we do so respectfully and with regard for each other's opinions.

I want to say there is no greater expert in our body on military law than the Senator from South Carolina. I have always appreciated his wise advice and counsel on these matters as well.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from South Carolina.

Mr. GRAHAM. Madam President, this is a session worthy of the Senate, worthy of the country, and I think incredibly important. I compliment Senator KYL for what I thought was an excellent overview of what the law requires in this area, what the Geneva Conventions require, and how our country exceeds the requirement of the Geneva Conventions.

To my good friend Senator SPECTER, there is no better champion of fairness and constitutional causes than Senator SPECTER. On this we respectfully disagree as to what the courts have said, and as far as the lay of the land of how you do this.

I do not come to this body as an expert on the Geneva Conventions. I have had some time in the military as a military lawyer. I have a pretty good understanding of what is going on in some respects. But I ask every Senator to review what is going on and make their own judgments, ask their own legal friends if they are not lawyers, and try to be fair.

We will all serve the country well if we will have a process that is constitutionally sound, that meets the test of fairness, and also recognizes we are at war and we are under great threat. So my basic presumption here as a Senator is I want to put infrastructure in place that recognizes the country is in an ongoing global struggle, and that as part of that global struggle we are dealing with people who are out of uniform.

This is not a capital to conquer or a navy to sink or an air force to shoot down. This is a unique war in the sense that it is ideologically based, not a particular location we are trying to conquer and not a particular uniform we are trying to suppress. The global war on terrorism is about extreme versus moderation, and it is rearing its head all over the planet.

So the battlefield in this war, from my point of view, is the globe itself, just as in World War II—the al-Qaida enemy. That is who we are talking about, people affiliated with al-Qaida, al-Qaida-like operatives who are going throughout the planet trying to kill civilians, rampantly trying to inflict harm on our own troops for an ideological agenda based on religion. They have no boundaries. They are not signatories to the convention. They do not play by the law of armed conflict.

But even if they have a status in the law of armed conflict, we are trying to make sure their status is determined in the proper way. We realized in past wars that the Viet Cong and others operated outside of a uniform, in a guerilla-type fashion. Well, the terrorists operate out of uniform with absolutely no respect for any concept of the law of armed conflict. But once they are captured, if they are not killed, then it becomes about us, not about them.

What does the United States do when it finds an enemy combatant, someone out of uniform, who is engaged in hostilities? See, I do believe 9/11 was not just a crime; this was an act of war. There are warriors all over this planet involved in a great struggle, in their minds, against moderate Muslims and every other religion, Christian, Jewish faith, and they have no place for the rest of us. If you solved the Jewish-Palestinian problem tomorrow, they would still be coming after us.

The people at greatest risk are moderate Muslims in the Middle East who would tolerate different ways of looking at religion. So there is a global struggle, and when we find a person we believe to be an al-Qaida operative or a supplier of materials to al-Qaida, the first thing, if they survive the battle, is that our military must fight the war, and if they are captured, we have to determine their status.

If there is a question as to whether the person captured by the American military is a lawful combatant, an enemy combatant, or nonbelligerent, who makes the decision as to what is the proper status for that individual?

Well, under the law of armed conflict—and I do believe we are at war—it is the military. Under the Geneva Conventions, it is the military. Article 5 of the Geneva Conventions is very important. Because within that article, it informs the world at large, the signatories of the conventions, that a competent tribunal must be empaneled to determine the status. That competent tribunal panel all over the world is the military.

The reason I object so vehemently to allowing habeas petitions to be filed to determine who is a military threat is we would be conferring what is a military decision, historically and under the law of armed conflict, and literally making it a civilian judge's decision where witnesses would be called and the judge would have a full-blown trial, with some very sensitive information.

I do respect our judges, but with all due respect to our judges—I think most of them appreciate this—they are not trained as to who a military threat is to the United States. That truly is a military decision, and we are not making that up after 9/11. That has been a military decision under the Geneva Conventions article 5 since the conventions were drafted. So we are doing nothing new because we were attacked by an ''un-uniformed'' enemy.

The question as to what Senator SPECTER has raised: What process do we have in place to determine if a person is truly an enemy combatant, a concept recognized by the Geneva Conventions, the combat status review tribunal to me is not only constitutionally sound, it goes beyond what the Geneva Conventions require. Senator SPECTER read a transcript of a case that went to the DC Circuit Court of Appeals. I want us to slow down for a moment and think about that. The case as to whether this person was an enemy combatant worked its way up through our Federal judiciary to the second highest court in the land.

Under the law we passed last year, we allowed in every decision by the military that results in a finding that a person is an enemy combatant that that individual will be able to go to our court system, which is not required under the Geneva Conventions and is done nowhere else that I know of, and the court will review that case on two grounds: Were the procedures in place constitutional—Senator SPECTER mentioned this—and do you feel comfortable with the rebuttable presumption? Well, that has already been decided. In the Hamdi case of 2004, they specifically comment on the CSRT procedures. There is a preponderance of the evidence test required. The Government must prove by a preponderance of the evidence that the person in question is an enemy combatant.

This is not a judicial proceeding, this is an administrative proceeding. It is like the EPA deciding an administrative question. But it is an important decision, because if you are an enemy combatant, you can be held for an indeterminate period of time. As long as you are a threat, you can be held as long as hostilities exist.

The problem with this war is we do not know when the war is going to be over, so we want to build robust due process.

Let me tell my colleagues without hesitation: We have let almost 200—I can't remember the number—go from Guantanamo Bay who had been captured and determined to be enemy combatants. Every year their status was reviewed because we do not want to keep people forever unless there is a reason to keep them. Three things are looked at in every person's case administratively: Do you have intelligence value still; are you a threat to the country; and has anything new come into the case file to say you were originally misidentified as an enemy combatant? Twelve of the people released have gone back to the fight, have gone back to trying to kill Americans and civilians.

The question for this country and the world is when it comes time to decide to release somebody, there is risk to be had in that decision. Who should share that risk the most? Is it the civilian populations that have been the victims of these ''un-uniformed'' killers who have chosen to join these organizations or support them with no boundaries or should it be the people who take up these causes?

I will tell you where I am coming down. If there is a doubt as to whether they continue to be a threat to our country and other peace-loving people, we are not going to turn them loose to fight us again. Every enemy combatant is not a war criminal. There is a separate proceeding at Guantanamo Bay to deal with those people involved in war crimes. If you start mixing the two, it will come back to haunt our country because we do not want to stand for the concept as a nation that every time an American soldier is captured in the battles of the future it would be appropriate to label them a war criminal. War criminals have to do specific things. Being part of an enemy force does not make one a war criminal.

So the point I am trying to make is the administrative procedures in place at Guantanamo Bay have been found to be constitutional, but we added a provision last year that allows the court to review whether the tribunal's finding was supported by a preponderance of the evidence, and allowing a rebuttal presumption in favor of the Government's evidence.

In other words, the DC Circuit Court of Appeals can look at the military's findings, not just the process, and they can say, as a panel of judges: Wait a minute, there is no competent evidence to support a finding that you are an enemy combatant. The court can say the case file is deficient. Not only was the process deficient—the process could be constitutionally sound—but it could result in an individual case where there was not sufficient evidence in the opinion of the court. The court does this all the time.

The court will review administrative bodies' decisionmaking abilities throughout this land. It could be in the EPA, it could be in some other agency of the Government, where the court will be able to look at the hearing officer's findings and determine if there was sufficient evidence to support that hearing officer's finding.

So going back to the transcript Senator SPECTER read, they did not tell him who it was. Well, maybe the reason he was not told who informed is because if we put out in a public setting our informant system, they will wind up getting killed. That is not an unknown concept in criminal law.

So I would argue, there is information in these cases that will never be publicly disclosed because if we start publicly disclosing the entire network that led to this capture, we are going to get people killed and we will be less safe. That is why we have a classified portion.

Shaikh Mohammed, the mastermind of 9/11, will be going through this process tomorrow, I believe, at Guantanamo Bay. Fourteen other high-value detainees captured in the global war on terror—very significant players in the al-Qaida movement—will be given a hearing at Guantanamo Bay, where the Government will have to prove the person in question—Shaikh Mohammed—is, in fact, an enemy combatant as defined by our own regulations, consistent with the Geneva Convention.

These hearings will be closed. I applaud the fact they are closed. The evidence will be redacted and given to the public and the press. But there will be a transcript available to be reviewed by the DC Circuit Court of Appeals, including the classified portion, in a classified setting.

I think it would be a huge mistake to disclose the methods and operations and the sources that led to the capture of Shaikh Mohammed in an administrative proceeding. Our courts will look at that evidence in a classified fashion because Shaikh Mohammed will be allowed to have his case reviewed, after the military makes their decision, in Federal court—something never done in any other war. The reason we did this last year, with Senator LEVIN's help, was to make sure—because we do not know when this war will be over—there will be a check and balance on a military decision never known in any other war.

I support that check and balance. I support the idea that every military decision regarding enemy combatant status will work its way through our court system. I vehemently object to taking what is a military decision and giving it to a civilian judge in a habeas forum, which is a complete Federal trial where the civilian judge makes the decision, not the military. Let the judges review the military work product. Do not give it to the civilian judges.

Shaikh Mohammed will be classified one way or the other. I am sure he will be classified as an enemy combatant. But the DC Circuit Court of Appeals will get to review his case. What is likely to happen in his case, if you believe the press reports? If he truly can be proven to be the mastermind of 9/11, he will be tried as a war criminal because the activities he engaged in—of orchestrating a series of attacks on our country, where you hijack civilian aircraft to go into the World Trade Center and to attack Washington, DC—would be a violation of war, as well as a crime.

So he could work his way into the military commission trial procedure. ''Enemy combatant'' is an administrative determination. Charging somebody with a war crime is a totally different process. If the Government charges him with a war crime in a military commission setting, in a military commission format at Guantanamo Bay, they will not be allowed to give to the jury classified information proving he is guilty of what we are accusing him of doing, unless they share it with the accused. That was my objection to President Bush's proposal. I do not want to create a precedent where one of our soldiers could be tried in a foreign land, accused of being a war criminal, and never be given the evidence and be able to defend against what would be a criminal proceeding resulting in death or long-term imprisonment.

So for Shaikh Mohammed or anyone else, if the Government decides to use classified evidence to find someone guilty, they get a chance to defend themselves because we are talking about a punishment that could include execution.

There are two different concepts. The rules are different. What goes on in a military commission trial is consistent with what we do with our own troops under the Uniform Code of Military Justice when we try them for crimes. One is an administrative determination that exceeds the Geneva Convention requirements. The other is a criminal proceeding under the Law of Armed Conflict that I believe will be constitutional and the courts will say is a process worthy of this country.

As to what the law is, I say to my good friend, Senator SPECTER, I believe the Rasul case was based on this concept. The Department of Justice argued that Guantanamo Bay was outside the jurisdiction of the United States. If that were the case, if they won that argument, the constitutional provisions of habeas would not apply, nor would the statutory provisions. But Rasul was about a statute, not about the constitutional provisions, in my opinion.

Here is what the court said: They rejected the Bush position that the laws of the United States do not apply to Guantanamo Bay because of the lease and because of the relationship we have to that facility.

Do you know what. I think the court was right. I think that was an ill-advised position by the Bush administration.

So once Rasul was decided, and they rejected Eisentrager's statutory interpretation test, the Rasul court, in my opinion, said since it is within the United States, and Congress has not spoken to this in 2241—Congress has never said because you are an alien enemy combatant at Guantanamo Bay you cannot have a 2241 right—we are going to confer that right until Congress decides otherwise.

Mr. SPECTER. Madam President, will the Senator from South Carolina yield for one question?

Mr. GRAHAM. Yes, I will.

Mr. SPECTER. Madam President, when the Senator from South Carolina says, in the case cited that got to the Court of Appeals for the District of Columbia, where the charge was he had talked to an al-Qaida person, but they could not give the name—and the Senator from South Carolina seeks to justify that on the ground there might be some circumstance where disclosing the name would reveal a confidential source—can the Senator from South Carolina give any conceivable way there would be a disclosure of a source simply by identifying the al-Qaida person this detainee was supposed to have talked to?

Mr. GRAHAM. Madam President, if I may, just not being an intelligence expert, when we start naming the people involved around the individual, then we are talking about locations, specific sites. I would be very worried if we started naming in detail al-Qaida operatives, where they were, what they said, because that could set in effect a chain of events that would allow the enemy to understand what happened in that transaction.

We may just disagree about this issue, but I do believe that the classified—that Shaikh Mohammed—maybe I can say it this way. I am glad that Shaikh Mohammed's case is classified, and we are not going to reveal to the public how we captured him, all the evidence that led us to find out where he was and what he was doing. I think it would be a nightmare for this country.

As to the DC Circuit Court of Appeals opinion, I say to Senator SPECTER, they said the procedure was constitutional. I agree with them. Whether or not the individual case had sufficient evidence to support a finding is now subject to review by the court. This gentleman will get that review by the court based on what we did last year.

Mr. SPECTER. Madam President, I find it very hard—really impossible—to follow that answer. I cannot conceive of what the Shaikh Mohammed case has to do with my question or has to do with the proceeding before the Combat Status Review Tribunal for the detainee whose case got to the court of appeals, where he was accused of talking to an al-Qaida person, and they could not even identify the name of the person. That is not asking any places and times and whatever other activity was taken. I would rest my case, contrary to the arguments by the Senator from South Carolina, on that point.

If anybody thinks the Senator from South Carolina has given any reason that they could not identify the identity of the al-Qaida person without disclosing a confidential source—not talking about when, where, and under what circumstances—if my colleagues who will vote on this ultimately are satisfied with the answer by the Senator from South Carolina, then I will accept their judgment.

Mr. GRAHAM. I appreciate that. And I will continue. I will say this to my good friend from Pennsylvania. You were reading the transcript of a case that went on appeal. You have determined yourself that an injustice was rendered. You have made an opinion inconsistent with what the court found. You have your own sense of justice. I appreciate it, I admire it, but I do believe the court is right and you are wrong.

I do believe there is no constitutional right available to enemy combatant terrorists, noncitizens. I do not believe Rasul decided that, because if they had decided that, all these cases we are talking about would have been dismissed.

The circuit court of appeals may not be the—they would have gotten that. We have a case going to the DC Circuit Court of Appeals that either they have no idea of what the law is or Senator SPECTER is wrong.

So I hope my colleagues will understand the DC Circuit Court of Appeals is not blind to the issues in this case, they just did not miss the fact that the Supreme Court, in Rasul, 3 years ago, declared a constitutional right and the DC Circuit Court of Appeals is out to lunch as a group of judges who do not understand one of the biggest decisions in American jurisprudence. If my colleagues believe that Rasul created a constitutional right for an enemy combatant, noncitizen, and everybody in the legal system has missed it, then you should not trust anything coming out of the DC Circuit Court of Appeals, you should not trust any decision coming from district court judges all over the country who are dismissing these cases, and you should not believe a thing I say.

But there is a reason the DC Circuit Court of Appeals did not feel bound by a constitutional finding in Rasul—because the court did not find that. There is a reason they upheld the proceedings in the case in question, and some of that reason may be classified. I don't know. But I do know this: It is not good law or public policy to take a transcript released by the defense counsel and read it in isolation and try to use that anecdotal story to say that the whole process is broken, when the court looked at the entire process and found that it was not broken. I can promise my colleagues that if the Rasul case said there was a constitutional right to habeas corpus by a noncitizen enemy combatant, it would have been a major issue in the Al Odah case. The reason Al Odah decided what it did is because it rejected the defense claim there should be, and there is no evidence in the Al Odah case that the DC Circuit Court of Appeals took precedent in the Rasul case and came out with a different finding. Don't my colleagues think there would have been a long discussion in the Al Odah case by the DC Circuit Court of Appeals that here is why the precedent set in Rasul for a constitutional habeas right for an enemy combatant noncitizen is wrong?

So please give the DC Circuit Court of Appeals some credit for not missing the biggest issue in military law in 200 years because they didn't miss it. Please give the Department of Defense some credit that when they issued this memo to detainees and their lawyers in July of 2004 indicating there is a habeas petition available to you, that it wasn't the Department of Defense's desire to create that right and that what they were doing was consistent with Rasul in saying that under 2241 you now had this right. For someone to suggest that memo was a conscious decision by the Department of Defense to give a habeas right to detainees I think completely misunderstands what the memo was about, distorts what it was about, and is a complete misunderstanding of what happened in Rasul. The Department of Defense had no other choice but to tell the detainees after the Rasul decision: You can file habeas petitions under 2241.

The Supreme Court in three cases has told the Congress: You need to speak here. We found a statutory right because you haven't excluded it. Do you want as a Congress to confer on the Shaikh Mohammeds of the world an ability to go into Federal court of their own choosing, to find the most liberal judge they can find in this country, and take the military and every other intelligence agency to court and have that judge, in a full-blown trial, determine whether this person is an enemy combatant? That would be changing a process on its head. That would be taking away from the military the ability they have under the Law of Armed Conflict to decide who an enemy combatant is and give it to a civilian judge who is not trained in that. It would be a fundamental, far-reaching mistake that would haunt us and undermine our national security, put judges in positions they are not trained for, and take away from our military an obligation and right they have to defend us. There is a place for judges. There is a place for the Congress. There is a place for the President. There is a place for those fighting this war.

I have one simple goal. I want to put people in the lanes where they can do the most good and the least harm. I do believe, if we turn this war into a crime and if we take the Shaikh Mohammeds of the world and we let civilian judges have a full-blown trial about how we found out they were the mastermind of 9/11 and if you take away from the military what a military threat is and you give it to civilian judges, you are going to make this war much harder to prosecute, and it will come back to haunt us. It has never been done before for a reason. We never allowed the Nazis, who are on par with al-Qaida, the ability to go into our Federal courts and sue the people who were fighting them—our troops. Because Justice Jackson in 1950 said: You would undermine the commander. They would be fighting the enemy on two fronts: on the battlefield and in the courts of the United States. It would undermine the commander's credibility. It would lead to chaos. There is a reason the Germans and the Japanese never went to Federal court. It would be, in my opinion, dangerous to give to al-Qaida more rights than we gave to the Nazis.

This is a great debate to have, but it needs to be based on some sound concepts. I don't think it is a sound concept to say that Rasul gave a constitutional right to noncitizen enemy combatants under our Constitution. I don't think it is a sound concept to say that the DC Circuit Court of Appeals 2

weeks ago missed that. They didn't miss it. That is not what this debate is about. This debate is about whether 2241—something under our control—whether we as a Congress want to give to enemy combatants the ability to sue our own troops. There are over 160 lawsuits filed. It has made a nightmare of Guantanamo Bay. They are suing our own troops for medical malpractice, for DVD access, for better exercise. You name it, they have brought a lawsuit around it and it has clogged our courts and it has impeded the ability to run this jail.

Let me tell my colleagues, in a classified and unclassified manner, the intelligence we have received from people housed at Guantanamo Bay has helped this country defend itself. The last thing we should be doing in an ongoing war is hampering our ability to defend ourselves because we are having two fronts—the military front and the legal front—that confers a status on our enemy that will undermine the ability of our military to defend us.

This is a statement from one of the lawyers who has filed one of these 160 lawsuits:

The litigation is brutal for the United States. Boy, was he right about that.

We are having to call people off the battlefield. We are having to bring people off the battlefield into the new battlefield—the courtroom—to explain to some civilian judge why we think they are an enemy prisoner—enemy combatant that threatened the United States.

It is huge. We have over 100 lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder for the U.S. military to do what they are doing.

Boy, was that right.

You can't run an interrogation with attorneys.

You better believe that is right. We are interrogating to make sure we find out what the enemy is up to the best we can so they don't kill us. Now, if you want to take the interrogation process at Guantanamo Bay and put a bunch of lawyers in the middle of it, which we have never done in any other war—we never gave to the Nazis—then you are crippling the ability of this country to defend itself. It has nothing to do with fairness. You are creating a right never known in an armed conflict previously, and you will be criminalizing what I think is a war in a dangerous way.

What are they going to do now that we are getting court orders to get more lawyers down there? They are going to shut off the interrogation and the information is going to stop.

We have made mistakes at Guantanamo Bay. The Bush administration has taken legal positions that I don't think have been sound, but I believe we have finally got this right, and I am going to end now.

I think after a lot of give and take and after a lot of court decisions, we are on the road to exactly where we need to be, and we have it right. Here is what we have in place: a system that is Law of Armed Conflict compliant, Geneva Conventions compliant, that realizes that fairness is part of being an American, but we are at war with people who want to kill us, and if they could, they would go back to it, some of them. Some of them are war criminals. Some of them are warriors who are assisting in the effort that had to be kept off the battlefield until they are no longer a threat. The military is doing a darn good job, and I stand by the men and women down there who are carrying out this job at Guantanamo Bay. I stand with you. I am proud to be your advocate in this body. You are getting good intelligence, consistent with lawful interrogation techniques. You are making decisions about who an enemy prisoner is, who a threat is to this country, in a sound way. Keep it up. Your work product will be going to court, so be mindful that what you do will get reviewed, as it should. Some have been let go—about 100-and-something. Most, as far as I know, have gone back and not been a threat. Every year, every person at Guantanamo Bay will get to have their case argued anew. They will get to make a case: I am not an enemy combatant. I am no longer a threat. I have no intelligence value.

We do not want to misidentify someone. That has probably happened. This is a confusing war. I am not here to say there has not been someone sent to Guantanamo Bay who was a mistake. That is true of jails in Missouri, and it is true of jails in South Carolina. But you can't say there is no risk involved when you release somebody because I can tell my colleagues with certainty that 12 of the people we thought were no longer a threat, because we wanted to be fair and let them go, have gone back to try to kill Americans.

There is no perfect outcome. You try to create a system that models who you are and is as fair as possible, recognizing you are at war. These war crime tribunals and commissions are going on during the war. The enemy combatant determinations are being made during the war. The reason we don't want to disclose how we found Shaikh Mohammed is because the war is going on, and we don't want to help people who are our enemies. So everybody caught and suspected by our military of being an enemy combatant involved in a global war on terror out of uniform supporting al-Qaida, they are going to get to go to Federal court, but we are going to let the military decide if they are a threat first, and the judges of this country can look over the military's shoulder and see if the military got it right in that case and if the procedures are fair. If you are convicted of a war crime at Guantanamo Bay, as Shaikh Mohammed may be or someone like him, you are going to get your day in Federal court because it is an automatic right. Whatever procedures are used by our military, which is modeled after our own process to try our own people, will go through legal scrutiny, the procedures and the outcome.

So if you are worried as an American that we are putting people away forever without due process, don't worry about it. That is something to be concerned about. If you are worried that your country has gotten somebody in the global war on terror and we house them and nobody ever gets to look at the work product, don't worry about it. But if you are worried that the Congress is about to confer a right never known in any other war to al-Qaida that will undermine our security, you are right to worry. It is all about judges: What they should do and when they should do it—and I respect judges. It is all about the military: What should they do and when should they do it. God knows I respect them.

We have the right balance. The military fights, they kill our enemies, they capture our enemies, and once they are captured, they are going to be treated by this country under the Law of Armed Conflict, consistent with our values and consistent with the Geneva Convention and consistent with the fact that we are at war. Everything they do when it comes to adjudicating these prisoners' status will be reviewed in our Federal courts after the military acts. Every person convicted will have their day in court, and the courts can look and see if they were treated fairly. That is what America should do. That is what we are doing.

Please understand this war is different, and we have to make accommodations in a variety of ways, but this is a war. This is not a crime. These people we are rounding up throughout the globe wish to kill us all.

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

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

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not in morning business. We are considering S. 4.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business.

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

THE BUDGET

Mr. GRASSLEY. Mr. President, today, as I did a couple days last week, I continue with my discussion on the issues the Senate will face as the Democratic leadership draws up its budget resolution, and that is going to be 2 days next week in the Budget Committee and then I think the week after next, depending on what the

Democratic leader decides to do, we generally will have a whole week of debate on the budget and adoption of the budget.

We face an important milestone because the Democratic leadership controls the Senate for the first time since the 2002 election. Over the past 4 years, there has been a lot of passionate debate over the fiscal policies the Republican leadership proposed and implemented over the last 4 years. In November, the voters sent a Democratic majority to Congress. The budget debate we are about to enter provides Democrats with their opportunity to chart a fiscal policy path for the Nation.

Before the budget arrives, I have taken to the floor to recap and evaluate some of the consistent themes we have heard from the Democratic leadership over the past 4 years. Since the Finance Committee has jurisdiction over nearly all of the revenue side of the budget, I focused on the issues on that side of the ledger, the revenue side.

Since the position of the Democratic leadership has been to let the bipartisan tax relief plans of 2001 and 2003 expire, I talked about the effects of that automatic tax increase—yes, automatic tax increase—that happens without even a vote of the Congress if we don't continue this tax policy that was adopted in 2001 and 2003 beyond the year of 2010.

It is a very important consideration. For the last 4 years, Republican budgets on Capitol Hill have made it clear that our priority was to ensure that virtually every American taxpayer would not see that automatic tax increase come in their earnings of 2011, and that still is our policy. That is a policy reflected in the budget the President of the United States has sent to the Congress. So the year 2011 is the year the bipartisan tax relief sunsets.

I emphasize that 2001 was the year of bipartisan tax relief. I had the good fortune of working that year, 2001, with Senator MAX BAUCUS helping me get that bipartisan tax relief passed. He is now chairman of the committee, being that the Democrats are in the majority. I have the good fortune of maintaining a close working relationship with him.

The President's budget, as I already said, maintains the assurance that these tax policies of the last 7 years will continue in place beyond the year 2010. During the 4-year period 2003 to 2006, the Democratic leadership was harshly critical of this policy which was passed in 2001 and 2003; that is, the Democratic leadership opposed the fiscal policies of preventing a tax increase on virtually every American taxpayer automatically because Congress wouldn't even have to vote on it.

My first speech defined the tax increases built into that fiscal policy. My second speech highlighted some of the macroeconomic risks of that widespread automatic tax increase. Last week, I remarked to the Senate and discussed with the Senate potential omissions in the Democratic leadership's budget; that is, the discussion was about fiscal policy that was present in prior budgets. If the Democratic leadership's past criticisms of those budgets were carried out, the fiscal policy of continuing tax relief would end. This week, I am going to focus on the track record of the Democratic leadership and discuss potential problems from proposals that might be contained in that budget. You could say, from our standpoint, I am examining errors of commission this week, whereas last week I examined errors of omission.

Today, I wish to refer to the use of revenue-raising offsets in the budget context. As any budgeteer can tell you, the budget resolution is not a law. It doesn't amend the Internal Revenue Code or Medicare law or appropriations. The budget resolution is like a blueprint for a building. The actual construction of tax and spending policies will occur later on this year.

The budget resolution is, however, critical to actual tax, actual spending, and actual deficit decisions the Congress will undertake. The matter of offsets is critical in this respect: If additional spending is proposed in the resolution without real offsets, then deficits are more likely. Likewise, if popular tax relief is proposed but not offset with real proposals, then deficits could appear and be larger—though, on this last point, the track record of the last 4 years shows tax relief grew the economy and record levels of Federal revenue came into the Treasury as a direct result.

My basic point is that if a proposed offset is not realistic and the proponents succeed, budget discipline could be undermined. In other words, phony offsets, if incorporated into the budget, can lead to deficits.

Today, I am just going to follow the numbers. Just follow the numbers. I am not going to make any judgments or make any assumptions about the revenue-raising proposals. I am going to analyze these proposals strictly from a fiscal standpoint.

I analyze two categories of offsets from the standpoint of whether the budget arithmetic adds up, and I am going to examine last year's record of the Democratic leadership on offsets but look at it as if they were in control at the time. It is not a pretty picture.

I am going to take a look at proposed offsets from a series of amendments, real amendments that were debated here on the floor of the Senate during last year's budget resolution debate. During that debate, virtually all Democratic members had a common theme in their purported offsets for their amendments to this resolution. That purported theme was that they would close tax loopholes to pay for whatever popular spending program they wanted to propose. Closing corporate tax loopholes was the common refrain to pay for spending.

I will list the amendments and the popular spending proposals:

Senator KENNEDY, Vocational Education and Pell Grants;
Senator AKAKA, Veterans Medical Services;
Senator MURRAY, Community Block Grants;
Senator STABENOW, Emergency Responders;
Senator MENENDEZ, Port Security;
Senator BYRD, Amtrak;
Senator REED of Rhode Island, LIHEAP;
Senator Sarbanes, Corps of Engineers and other Federal services;
Senator DORGAN, Native American programs;
Senator STABENOW, Veterans' Health Care;
Senator AKAKA, Title I Education Grants; and
Senator LINCOLN, Agriculture.

These are all here, and more than what I gave are here.

Mr. President, at this point I ask unanimous consent that a list of these amendments by vote and by amendment number, so that they are there for people who aren't listening to what I am saying to consider, be printed in the RECORD.

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

PAID FOR BY CLOSING TAX LOOPHOLES

Vote #39 Kennedy Amendment, No.3028 Vocational Education and Pell Grants; Vote #41 Akaka Amendment, No. 3007 Veterans Medical Services; Vote #43 Murray Amendment, No. 3063 Community Block Grants; Vote #45 Stabenow Amendment, No. 3056 Emergency Responders; Vote #47 Menendez Amendment, No. 3054 Port Security; Vote #51 Byrd Amendment, No. 3086 Amtrak; Vote #57 Reed Amendment, No.3074 LI–HEAP; Vote #60 Sarbanes Amendment, No. 3103 Corps of Engineers and Other Federal Services; Vote #61 Dorgan Amendment, No. 3102 Native American Programs; Vote #63 Stabenow Amendment, No. 3141 Veterans Health Care; Vote #64 Akaka Amendment, No. 3071 Title I Education Grants; Vote #66 Lincoln Amendment, No. 3106 Agriculture.

Mr. GRASSLEY. Mr. President, as you can see, the proposed spending is popular and has a nice political edge. Democrats could record themselves as voting for the amendment, and they could criticize Republicans for voting against those amendments. From a political calculation perspective, these were profitable efforts on the part of the Democratic leadership. The fiscal consequences, however, were another story.

If Democrats had been in the majority, as they are now, the fiscal effect of these amendments would have been a very big problem, and here is why. One-time spending increases, even if for 1 year, are built into the CBO baseline, and they are built in forever. This is explicitly the case for increases in discretionary spending. It is also implicitly the case with entitlement spending. If anyone disputes that point, I would ask them to show me the last time we reversed new entitlement spending. It just never happens around here is the best thing to say.

Let's take a look at the Kennedy amendment on vocational education and Pell grants to which I have referred. The amendment was purported

to be $6.3 billion, but that was for 1 fiscal year. That $6.3 billion, if adopted, would probably be extended in later years. It is in the baseline. So Senator KENNEDY found his offset by closing $6.3 billion in what he referred to as corporate tax loopholes. I am not going to find fault with closing those tax loopholes. I have been involved in things like that for a long period of time, and successfully so. The fiscal and political effect, though, of Senator KENNEDY's amendment was to identify specific popular spending and offset it with a nondefined tax increase. From a realistic standpoint, Senator KENNEDY's amendment identified less than 10 percent of the gross spending burden it would have placed on future budgets to the extent the unspecified revenue offset was duplicative or not realistic. The real effect was that the $6.3 billion additional spending would have been added to the budget for that fiscal year.

All 12 of these listed amendments used the same undefined offset.

Several Members referred to revenue raisers in a Democratic substitute amendment to the 2005 Tax Relief Reconciliation bill, and they kept trying to spend the same money over and over again. Let's take a look at the list of revenue raisers in the substitute amendment.

Mr. President, I ask unanimous consent that a Joint Committee on Taxation estimate of the revenue offsets to the 2005 substitute be printed in the RECORD.

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

Inventory of Specified Democrat Revenue Offsets

[In billions over 5 years]

Gross Revenue Available from Democratic Substitute	$53.6
Less Enacted Offsets	−9.3
Less Small Business Tax Relief Bill Offsets	−8.7
Net Available Democratic Offsets	35.6

Source: Joint Committee on Taxation

Recap of Democratic Revenue Raisers and Spending Proposals

[In billions over 5 years]

Net Available Democratic Revenue Offsets	$35.6
Less Cost of Democratic Spending Amendments	−105.2
Net Cost of Democratic Spending Amendments	−69.6

Source: Joint Committee on Taxation

Mr. GRASSLEY. That substitute amendment is an overinclusive inventory of offsets. I say ''overinclusive'' because it included the universe of revenue raisers that the Democratic caucus supported. Republicans supported many, but not all, of these offsets.

Joint Tax scored these revenue raisers during last year's budget debate. According to the Joint Tax experts, that universe of Senate offsets raised $53.6 billion over 5 years. That is this chart right here: $53.6 billion. At that time, I noted that the budget resolution assumed several billion in revenue raisers to cover part of the reconciliation bill. Indeed, in the reconciliation conference, we used eight of these revenue raisers. They accounted for about $9 billion—and I should say only $9 billion over 5 years. I had hoped to use additional raisers accounting for about $7.5 billion over 5 years, but the House rejected that, and we then found some offsets someplace else. So we will take a look at them.

If you account for the revenue offsets left over, you can subtract out another 10 revenue-raising proposals that are in the Senate's small business minimum wage bill. Those revenue raisers—and those are things which had just been before the Senate—those revenue raisers included $8.7 billion over 5 years. That is this figure here.

Of the raisers in the 2005 substitute amendment, about $18 billion of those were enacted or are in play in discussions between the House and the Senate. So if we review the Senate Democratic inventory of identified as well as scored revenue raisers and net out current law and Senate-passed tax legislation, we find 18 revenue proposals available. These are proposals the Democratic caucus has advocated that are left over. They raise approximately $36 billion over 5 years.

Everyone should know there are revenue raisers in that total I just recited that the administration doesn't support. You don't have to let that detract you from it, but those would be issues which would be subject to, I suppose, a Presidential veto.

Let's forget that for the moment. There are many in this total that the House and Senate Republicans don't support. As we have found in the small business tax relief discussions, House Democrats aren't keen on some of these proposals either. Nevertheless, to bend over backward and to be fair to the Senate Democratic leadership, I am going to tally the proposals they have supported as a caucus.

Let me repeat the total corporate loophole closers and other offsets Democrats have defined. It is $36 billion over 5 years. Put another way, I would like to say it is only $36 billion over 5 years, but I want you to see what they want to use that $36 billion for—presumably to cover a lot of other expenditures they can't do because the numbers don't allow it. That total of $36 billion, then, provides a ceiling of offsets to compare to the spending amendments.

Let's go back and match the spending amendments with the universe of Democratic revenue raisers. The revenue raised is a far cry from the cumulative demand of the amendments that were filed. The amendments that have been filed that propose to use those tax loophole closers as offsets total $105 billion in new spending. So the Senate Democrats propose $36 billion in revenue raisers that were supposed to offset $105 billion in new spending, but it doesn't add up. That means the spending exceeded revenue raisers by $69 billion.

Mr. President, I ask unanimous consent that a list of the Democratic amendments to the fiscal year 2007 budget resolution be printed in the RECORD.

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

$ IMPACT OF DEMOCRAT AMENDMENTS TO THE FY 2007 BUDGET RESOLUTION

Tax Increases in Democrat Amendments

#	Description	Sponsor	Party	2007	2008	2009	2010	2011	2007-2011
3001	Corporate tax loopholes	Nelson	D	0.975	1.037	0.792	0.826	0.861	4.491
3007	Corporate tax loopholes	Akaka	D	1.350	0.135	0.006	0.002	0.000	1.493
3016	Tax loopholes	Kennedy	D	2.378	2.123	0.549	0.111	0.025	5.186
3020	Eliminate tax shelters	Salazar	D	0.808	1.130	1.273	1.430	1.634	6.275
3021	Tax increases	Salazar	D	0.152	0.069	0.102	0.090	0.095	0.508
3022	Tax havens	Salazar	D	0.100	0.770	2.400	2.100	2.000	7.370
3023	Tax increases	Salazar	D	0.007	0.002	0.001	0.000	0.000	0.010
3024	IRS collection improvements	Salazar	D	0.153	0.808	0.178	0.191	0.205	1.535
3028	Corporate tax loopholes	Kennedy/Collins	D	1.479	3.988	0.634	0.206	0.019	6.326
3029	Corporate tax loopholes	Dayton	D	0.270	8.911	4.050	0.270	0.000	13.501
3034	Tax increases	Lieberman	D	2.151	2.700	1.729	1.039	0.203	7.822
3037	Corporate tax loopholes	Lautenberg	D	1.230	0.000	0.000	0.000	0.000	1.230
3039	Superfund	Bingaman	D	1.689	1.654	1.454	1.152	1.264	7.213
3042	Tax increases	Biden	D	1.194	2.835	4.362	5.384	5.400	19.175
3044	Corporate tax loopholes	Akaka	D	0.070	0.080	0.070	0.050	0.040	0.310
3046	Corporate tax loopholes	Biden	D	0.138	0.460	0.748	0.978	1.150	3.474
3047	Corporate tax loopholes	Lincoln	D	4.500	3.300	0.000	0.000	0.000	7.800
3054	Corporate tax loopholes	Menendez	D	0.704	0.517	0.445	0.264	0.000	1.930
3056	Corporate tax loopholes and tax gap	Stabenow	D	1.000	3.700	3.100	2.200	1.000	11.000
3058	Corporate tax loopholes	Baucus	D	0.880	1.800	0.800	0.240	0.080	3.800
3062	Corporate tax loopholes	Byrd	D	0.032	0.035	0.036	0.036	0.037	0.176
3063	Corporate tax loopholes	Murray	D	0.026	0.416	0.546	0.182	0.065	1.235
3064	Corporate tax loopholes	Clinton	D	0.010	0.345	0.060	0.010	0.010	0.435
3097	Corporate tax loopholes	Feinstein	D	0.111	0.199	0.055	0.012	0.003	0.380
3069	Corporate tax loopholes	Murray	D	0.213	0.053	0.000	0.000	0.000	0.266
3070	Corporate tax loopholes	Murray	D	0.024	0.006	0.000	0.000	0.000	0.030
3071	Corporate tax loopholes	Akaka	D	0.180	4.860	0.840	0.120	0.000	6.000
3072	Corporate tax loopholes	Kerry	D	0.121	0.030	0.000	0.000	0.000	0.151
3074	Corporate tax loopholes	Reed	D	2.489	0.763	0.066	0.000	0.000	3.318
3075	Corporate tax loopholes	Levin	D	0.056	0.116	0.096	0.066	0.000	0.334
3076	Corporate tax loopholes	Levin	D	0.022	0.003	0.003	0.000	0.000	0.028
3077	Corporate tax loopholes	Levin	D	0.030	0.111	0.093	0.066	0.000	0.300
3080	AMT	Kerry	D	-3.272	-16.248	6.923	6.225	1.309	-5.063
3081	Corporate tax loopholes	Salazar	D	0.152	0.000	0.000	0.000	0.000	0.152
3082	Corporate tax loopholes	Murray	D	0.675	2.756	2.820	2.836	2.840	11.927
3086	Corporate tax loopholes	Byrd	D	0.550	0.000	0.000	0.000	0.000	0.550
3088	Tax loopholes	Leahy	D	0.005	0.011	0.010	0.008	0.006	0.040
3089	Corporate tax loopholes	Salazar	D	0.025	0.030	0.030	0.010	0.005	0.100
3090	Tax loopholes	Clinton	D	0.021	0.042	0.011	0.002	0.000	0.076
3091	Tax loopholes	Schumer	D	0.500	0.000	0.000	0.000	0.000	0.500
3092	Tax policy	Schumer	D	-6.992	-36.386	-33.559	76.917	0.000	0.000
3095	Repeal energy incentives	Biden	D	0.434	0.732	0.582	0.539	0.422	2.709
3097	Corporate tax loopholes	Dayton	D	0.230	7.591	3.450	0.230	0.000	11.501
3101	Repeal tax subsidies	Dorgan	D	0.500	1.100	1.200	1.400	1.500	5.700
3102	Corporate tax loopholes	Dorgan	D	0.285	0.197	0.230	0.263	0.302	1.277
3103	Corporate tax loopholes	Sarbanes	D	1.718	0.699	0.320	0.116	0.058	2.911
3104	Corporate tax loopholes	Murray	D	0.675	2.756	2.820	2.836	2.840	11.927
3105	Millionaires tax	Boxer	D	0.015	0.435	0.225	0.075	0.015	0.765
3106	Corporate tax loopholes	Lincoln	D	1.177	0.439	0.221	0.107	0.057	2.001
3112	Tax increases	Landrieu	D	0.516	0.221	0.000	0.000	0.000	0.737
3113	Tax increases	Landrieu	D	0.036	0.084	0.075	0.075	0.030	0.300
3115	Corporate tax loopholes	Clinton-Reid	D	0.225	0.084	0.023	0.010	0.002	0.344
3129	Corporate tax loopholes	Schumer	D	0.283	0.353	0.071	0.000	0.000	0.707
3130	Corporate tax loopholes	Schumer	D	0.009	0.031	0.065	0.095	0.077	0.277
3133	Tax withholding	Conrad	D	5.100	0.100	0.200	0.200	0.200	5.800
3137	Corporate tax loopholes	Lautenberg	D	1.230	0.000	0.000	0.000	0.000	1.230
3141	Millionaires tax	Stabenow	D	6.900	16.500	22.200	27.000	31.600	104.200
3143	Tax increases	Kerry	D	0.592	1.619	2.188	2.685	3.271	10.355
3145	Corporate tax loopholes	Obama	D	0.090	0.060	0.045	0.048	0.047	0.288
3146	Corporate tax loopholes	Obama	D	0.005	0.001	0.000	0.000	0.000	0.006
3147	Corporate tax loopholes	Clinton	D	0.026	0.013	0.001	0.000	0.000	0.040
3158	Tax loopholes	Dodd	D	2.230	3.084	1.024	0.330	0.000	6.668
3159	Tax increases	Kennedy	D	2.392	2.138	0.534	0.097	0.025	5.186
	TOTAL TAX INCREASE			40.874	31.418	36.197	139.127	58.697	306.313

Spending Increases in Democrat Amendments

#	Description	Sponsor	Party		2007	2008	2009	2010	2011	2007-2011
3001	Survivor Benefit Plan (050)	Nelson	D	BA	0.975	1.037	0.792	0.826	0.861	4.491
	Mandatory			OT	0.975	1.037	0.792	0.826	0.861	4.491
3007	Veterans medical services	Akaka	D	BA	1.500					1.500
	Discretionary			OT	1.350	0.135	0.006	0.002	0.000	1.493
3016	Research programs	Kennedy	D	BA	5.226					5.226
	Discretionary			OT	2.378	2.123	0.549	0.111	0.025	5.186
3020	LWCF	Salazar	D	BA	0.100					0.100
	Discretionary			OT	0.025	0.030	0.030	0.010	0.005	0.100
3021	PILT	Salazar	D	BA	0.152					0.152
	Discretionary			OT	0.152					0.152
3022	Wildland fire management	Salazar	D	BA	0.072					0.072
	Discretionary			OT	0.040	0.022	0.011			0.073
3023	Interoperable communications	Salazar	D	BA	0.010					0.010
	Discretionary			OT	0.007	0.002	0.001			0.010
3024	National Renewable Energy Laboratory	Salazar	D	BA	0.172					0.172
	Discretionary			OT	0.077	0.069	0.017	0.009		0.172
3028	Education programs	Kennedy	D	BA	6.326					6.326
	Discretionary	Collins		OT	1.479	3.988	0.634	0.206	0.019	6.326
3029	IDEA	Dayton	D	BA	13.501					13.501
	Discretionary			OT	0.270	8.911	4.050	0.270		13.501
3034	Homeland security	Lieberman	D	BA	7.977					7.977
	Discretionary			OT	2.151	2.7	1.729	1.039	0.203	7.822
3037	Aviation security	Lautenberg	D	BA	1.230					1.230
	Discretionary			OT	1.230					1.230
3038	Eliminate Office of Dynamic Analysis	Clinton	D	BA	-0.001					-0.001
	Discretionary			OT	-0.001					-0.001
3039	Energy programs	Bingaman	D	BA	4.049					4.049
	Discretionary			OT	1.972	1.535	0.365	0.177		4.049
3042	Homeland security	Biden	D	BA	5.775	5.400	5.400	5.400	5.400	27.375
	Discretionary			OT	1.194	2.835	4.362	5.384	5.400	19.175
3044	Filipino veterans	Akaka	D	BA	0.070	0.080	0.070	0.050	0.040	0.310
	Mandatory			OT	0.070	0.080	0.070	0.050	0.040	0.310
3046	COPS	Biden	D	BA	1.150	1.150	1.150	1.150	1.150	5.750
	Discretionary			OT	0.138	0.460	0.748	0.978	1.150	3.474
3047	Refundable tax credits	Lincoln	D	BA	4.500	3.300				7.800
	Mandatory			OT	4.500	3.300				7.800
3054	Port security	Menendez	D	BA	0.965					0.965
	Discretionary			OT	0.352	0.259	0.223	0.132		0.966
3056	Interoperable communications	Stabenow	D	BA	5.000					5.000
	Discretionary			OT	0.500	1.850	1.550	1.100		5.000
3058	NSF	Baucus	D	BA	4.000					4.000
	Discretionary			OT	0.880	1.800	0.800	0.240	0.080	3.800
3062	Mine safety	Byrd	D	BA	0.036	0.036	0.037	0.037	0.038	0.184
	Discretionary			OT	0.032	0.035	0.036	0.036	0.037	0.176
3063	CDBG	Murray	D	BA	1.300					1.300
	Discretionary			OT	0.026	0.416	0.546	0.182	0.065	1.235
3064	Even Start	Clinton	D	BA	0.225					0.225
	Discretionary			OT	0.007	0.182	0.031	0.005	0.003	0.228
3067	NIH	Feinstein	D	BA	0.390					0.390
	Discretionary			OT	0.111	0.199	0.055	0.012	0.003	0.380
3069	Coast Guard	Murray	D	BA	0.266					0.266
	Discretionary			OT	0.213	0.053				0.266
3070	Coast Guard	Murray	D	BA	0.030					0.030
	Discretionary			OT	0.024	0.006				0.030
3071	Title I	Akaka	D	BA	3.000					3.000
	Discretionary			OT	0.090	2.430	0.420	0.060		3.000
3072	SBA	Kerry	D	BA	0.151					0.151
	Discretionary			OT	0.121	0.030				0.151
3074	LIHEAP	Reed	D	BA	3.318					3.318
	Discretionary			OT	2.489	0.763	0.066			3.318
3075	Borders	Levin	D	BA	0.334					0.334
	Discretionary			OT	0.056	0.116	0.066			0.238
3076	Border patrol	Levin	D	BA	0.028					0.028
	Discretionary			OT	0.022	0.003	0.003			0.028
3077	Borders (DRAFTED WRONG)	Levin	D	BA	0.300					0.300
	Discretionary			OT	0.030	0.111	0.093	0.066	0.000	0.300
3081	PILT	Salazar	D	BA	0.152					0.152
	Discretionary			OT	0.152					0.152

3082	ProGAP	Murray	D	BA	1.412	1.415	1.423	1.433	1.430	7.113
	Mandatory			OT	0.339	1.385	1.417	1.425	1.432	5.998
3086	Amtrak	Byrd	D	BA	0.550					0.550
	Discretionary			OT	0.550					0.550
3088	Bulletproof vests	Leahy	D	BA	0.041					0.041
	Discretionary			OT	0.005	0.011	0.010	0.008	0.006	0.040
3089	LWCF	Salazar	D	BA	0.100					0.100
	Discretionary			OT	0.025	0.030	0.030	0.010	0.005	0.100
3090	CDC	Clinton	D	BA	0.079					0.079
	Discretionary			OT	0.021	0.042	0.011	0.002	0.000	0.076
3091	Port security	Schumer	D	BA	0.500					0.500
	Discretionary			OT	0.500					0.500
3097	IDEA	Dayton	D	BA	11.501					11.501
	Mandatory			OT	0.203	7.591	3.450	0.230	0.000	11.474
3102	Tribal programs	Dorgan	D	BA	1.000					1.000
	Discretionary			OT	0.299	0.385	0.154	0.126	0.015	0.979
3103	Natural resources	Sarbanes	D	BA	2.912					2.912
	Discretionary			OT	1.718	0.699	0.320	0.116	0.058	2.911
3104	ProGAP	Murray	D	BA	1.412	1.415	1.423	1.433	1.430	7.113
	Mandatory			OT	0.339	1.385	1.417	1.425	1.432	5.998
3105	21st Century Comm Learning Centers	Boxer	D	BA	0.750					0.750
	Discretionary			OT	0.015	0.435	0.225	0.075		0.750
3106	Agriculture	Lincoln	D	BA	2.029					2.029
	Discretionary			OT	1.177	0.439	0.221	0.107	0.057	2.001
3112	Corps	Landrieu	D	BA	0.737					0.737
	Discretionary			OT	0.516	0.221				0.737
3113	FHA	Landrieu	D	BA	0.300					0.300
	Mandatory			OT	0.036	0.084	0.075	0.075	0.030	0.300
3115	Unintended pregnancy	Clinton-Reid	D	BA	0.347					0.347
	Discretionary			OT	0.225	0.084	0.023	0.010	0.002	0.344
3129	Firefighter assistance	Schumer	D	BA	0.707					0.707
	Discretionary			OT	0.283	0.353	0.071			0.707
3130	GSA	Schumer	D	BA	0.308					0.308
	Discretionary			OT	0.009	0.031	0.065	0.095	0.077	0.277
3133	Avian flu	Conrad	D	BA	5.000					5.000
	Discretionary			OT	1.000	2.800	0.800	0.300		4.900
3137	TSA fees	Lautenberg	D	BA	1.230					1.230
	Discretionary			OT	1.230					1.230
3141	Veterans health as mandatory	Stabenow	D	BA	6.900	16.500	22.200	27.000	31.600	104.200
	Mandatory			OT	6.900	16.500	22.200	27.000	31.600	104.200
3143	Military healthcare	Kerry	D	BA	0.735	1.862	2.322	2.816	3.424	11.159
	Mandatory			OT	0.592	1.619	2.188	2.685	3.271	10.355
3145	Child tax credit	Obama	D	BA	0.145	0.129				0.274
	Mandatory			OT	0.145	0.129				0.274
3146	DOJ	Obama	D	BA	0.006					0.006
	Discretionary			OT	0.005	0.001				0.006
3147	Alzheimers	Clinton	D	BA	0.041					0.041
	Discretionary			OT	0.026	0.013	0.001			0.040
3158	Children and families	Dodd	D	BA	3.334					3.334
	Discretionary			OT	1.115	1.542	0.512	0.165	0.000	3.334
3159	Science	Kennedy	D	BA	5.226					5.226
	Discretionary			OT	2.392	2.138	0.534	0.097	0.025	5.186
3170	IRS	Conrad	D	BA	0.363					0.363
	Discretionary			OT	0.340	0.014	0.009			0.363
3171	Mine Safety	Byrd	D	BA	0.037	0.038	0.041	0.043	0.046	0.205
	Discretionary			OT	0.033	0.037	0.040	0.042	0.045	0.197
	DISCRETIONARY SUBTOTAL			BA	92.031	6.624	6.628	6.630	6.634	118.547
				OT	29.051	40.338	19.417	11.172	7.280	107.258
	MANDATORY SUBTOTAL			BA	27.950	25.738	28.230	33.558	38.785	154.261
				OT	14.099	33.110	31.609	33.716	38.666	151.200
	TOTAL SPENDING INCREASE			BA	119.981	32.362	34.858	40.188	45.419	272.808
				OT	43.150	73.448	51.026	44.888	45.946	258.458

Mr. GRASSLEY. Mr. President, this list was prepared by analysts and was based upon filed amendments printed in the CONGRESSIONAL RECORD. I think it is interesting that only one filed amendment on this list would decrease taxes over 5 years, and only one amendment would result in decreased spending over 5 years. The amendment decreasing spending was filed by New York's junior Senator and would reduce spending by $1 million. That is one-thousandth of a billion dollars.

Put another way, if you subtract the $36 billion from the $105 billion in new spending proposed, it means the other side's amendments were short $69 billion—short $69 billion. Right here. This figure. This money proposed for offsets, add up all of the amendments put before the Senate, and you come out short. Revenue neutrality? No. Budget neutrality? No.

Now, that $69 billion needs to come from someplace. If the other side had prevailed, it would have wiped out the tax relief of last year's budget, including what we do to keep more Americans from paying that horrible tax, the alternative minimum tax. You can't have it both ways. Either the other side, if they had prevailed, would have added $69 billion in deficit spending or they would have gutted the tax relief they claim to support.

Budgets are about choices. In this case the choices are clear. If the Democratic leadership would have controlled the Senate last year, we would have no tax relief in that budget or we would have added $69 billion in deficit spending. Neither choice would be the right choice from the standpoint of the American people.

Defining offsets is very important. It is very important because we need real numbers if we are going to have intellectually honest budgeting. My analysis of corporate loophole closers and other revenue-raising proposals shows the Democratic caucus has supported at most $36 billion in specific revenue-raising proposals. By the way, that is about the revenue loss for last year's AMT patch. So the alternative minimum tax would have hit another 7 or 8 million Americans.

Using unspecified revenue-raising proposals is not realistic. If Democrats intend to live by pay-go, short for ''pay as you go,'' the Finance Committee will need those revenue-raising proposals to handle a portion—and just a portion—of the demand of the tax system.

There are two other categories of revenue-raising proposals identified by the Democratic leadership. One is repealing tax relief for higher income taxpayers. The other is reducing or closing the tax gap. I will talk about the tax gap in a later speech.

When folks in the Democratic leadership talk about raising taxes on higher income taxpayers, it sounds as if all fiscal problems can be solved as long as you want to look down the road. Liberal think tanks and sympathetic voices in the east coast media tend to echo that sentiment. As a matter of intellectual honesty in budget debates, we ought to have an idea of how much revenue is there. Since the most popular proposal is to repeal the bipartisan tax relief for higher income taxpayers, I have asked the Joint Tax Committee to provide updated estimates of those proposals—such as the corporate loophole closer. I do not expect the revenue would cover the spending demands. I was pleased to see the Budget Committee chairman make a public comment last week that seemed to address these proposals. According to the March 1, 2007 edition of Congress Daily AM, the chairman indicated he intended to put forward a budget with ''no tax rate increases.'' I will have to see the budget resolution and hear the chairman's explanation, but I read that comment to mean the Democratic leadership will not, at a minimum, propose to roll back current law tax rates.

This would be especially interesting in light of the so-called millionaire's tax amendment put forward in the past by members of the chairman's party. The millionaire's tax amendment filed for the fiscal year 2007 budget would have increased taxes by about $105 billion. Of course, those same amendments spent that money, so deficit reduction would not have been received.

Today I have examined the question of revenue-raising offsets. The inventory of available, defined, specific revenue-raising offsets is relatively small. Last year, Democratic amendments overspent the available revenue offsets by $69 billion. The Democratic leadership has indicated a desire to apply pay-go, pay as you go, to the current law tax relief. If pay-go is to be observed with respect to the alternative minimum tax and other popular expiring tax relief provisions, the Democratic leadership will need those revenue raisers and even more to offset the revenue lost from these time-sensitive provisions.

When we start to examine and debate the budget resolution, we will need to use intellectually honest numbers. Using the undefined corporate loophole closer is fiscally dangerous. It enables even more spending at a time when Government is at record levels as far as real dollars. Runaway spending is at the root of our current or future fiscal problems. Using phony revenue-raising offsets sets up two negative fiscal outcomes, an undefined tax increase and/or deficit spending.

All Members, whether Republican or Democrat, ought to agree to be transparent with all these numbers and all these figures in the amendments that are posed in the upcoming budget debate.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to proceed for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

(The remarks of Mr. CRAIG relating to the introduction of S. 815 are printed in today's RECORD under ''Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. Mr. President, 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.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. STABENOW. Madam President, I rise today to support the Improving America Security Act of 2007, the legislation in front of us. It will put us on a path of more security for the future by implementing the unfinished recommendations of the 9/11 Commission. I commend all of those involved in this important effort.

As I came to speak on the floor in support of the legislation we have been working on for the last couple of weeks, I find myself needing to express great concern about the place in which we find ourselves at this point—unable to move forward with the final bill and the relevant 9/11 Commission amendments that have been offered because of an effort by the Senate Republican leader to offer a wide-ranging number of unrelated amendments to this bill. So we find ourselves now stopped and waiting to figure out a way to resolve this effort.

The families who lost loved ones 5½ years ago have been waiting for the Congress to act. The 9/11 Commission report was released. After it was released, I assumed we would immediately take that document and begin to move forward aggressively because we all want safety for our families. We all live in America, and we are all concerned about vulnerabilities and risks and what we need to be able to do to keep our families safe and the country safe.

Unfortunately, things did not move under the former Congresses. We now find ourselves in a situation where, again, we are stalled because of a set of unrelated issues that have come up. I wish to share for the RECORD the deep concern of family members who lost loved ones on 9/11 and who have written a letter to the distinguished Republican leader of the Senate. I think it expresses their grave concern about where we are right now. They are calling on us to move forward and act.

This reads:

DEAR SENATOR MCCONNELL: As family members who lost loved ones on 9/11, we support full implementation of the 9/11 Commission recommendations. We are writing out of grave concern that your recent introduction of highly provocative, irrelevant amendments will jeopardize the passage of S. 4. It

is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations, delaying much-needed homeland security improvements. We strongly disagree with these divisive procedural tactics.

Just as the Iraq war deserves separate debate, so do each of the amendments you offered. S. 4 should be a clean bill and debate should conclude this week with a straight up and down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.

Tactics such as those you are contemplating, which endanger the 9/11 bill, send a signal to America that your priority is partisan politics, not protecting America against terrorism. Both parties must work together to pass this critical legislation.

We, the undersigned, understand all too well the risk of failure to secure our nation.

Respectfully,

CAROL ASHLEY,
Mother of Janice, 25, Member, Voices of September 11th.
MARY FETCHET,
Mother of Brad, 24, Founding Director and President, Voices of September 11th.
BEVERLY ECKERT,
Widow of Sean Rooney, 50, Member, Families of September 11.
CARIE LEMACK,
Daughter of Judy Larocque, 50, Co-founder and President, Families of September 11.

We know the job that needs to get done. I commend our Senate majority leader for making the wise determination, out of respect for these families, not to proceed with amendments relating to Iraq, which we all care deeply about. We want to have that debate on the policies and support for our troops and future direction as it relates to Iraq.

But the distinguished majority leader made the determination not to proceed on this bill because the families, the communities, and the country have waited too long for it to pass. So I think it is very unfortunate that we have had to get to this point, but it is very important that we pass a bill of tremendous significance.

I commend Chairman LIEBERMAN and all of the members of the committee for their leadership. I commend particularly Senator LIEBERMAN for his conviction to bring these issues to the Senate and for hanging in there and trying to get this done. The 9/11 Commission did a great service to our country by asking tough questions about the 9/11 attacks and then making recommendations to keep us safe in the future. The 9/11 Commission not only gave a detailed explanation of how the attacks happened but also gave Congress and the administration detailed recommendations in how to fix our vulnerabilities and prevent future attacks. For that, we are grateful for their service.

In December 2005, a group led by former members of the 9/11 Commission released a report card that overwhelmingly gave the administration and Congress failing grades for their poor implementation of the 9/11 Commission recommendations. This legislation is intended to change those failing grades to passing grades and to make us more secure.

The members of the commission gave the Government a D for improving checked bag and cargo screening. This bill requires all cargo and passenger aircraft to be screened and dedicates funding for the screening of checked baggage.

The Government also received Ds for creating incentives for information sharing and increasing Government-wide information sharing. This legislation makes several changes to information and intelligence sharing urged by the Commission. The bill establishes incentives for Government-wide information sharing and makes permanent the information sharing environment program, which will expire next month. The bill also creates the Interagency Threat Assessment and Coordination Group, which will facilitate the production and dissemination of Federal intelligence products to other Federal agencies and to State, local, and tribal governments.

The former Commissioners gave the Government another D for the lack of progress on intelligence oversight reform. However, the days of Congress giving President Bush a free pass are over, and this legislation increases Congress's oversight of the intelligence community and gives the intelligence community greater freedom to submit information to Congress, without approval by an executive branch officer.

One appalling lack of progress has been in the area of first responder communications interoperability. The 9/11 Commissioners gave the Government an F for failing to provide an adequate radio spectrum for first responders. This lack of progress is appalling to me because of the shortcomings the Commission identified in this area.

The 9/11 Commission report outlined the numerous communications problems first responders have had as they have tried to save lives. The report detailed the problem the police officers and firefighters in New York faced because they were on different radio systems. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon to help, but they could not talk to each other.

The 9/11 Commission concluded that:

The inability to communicate was a critical element at the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash site where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at 3 very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains an important problem.

The 9/11 Commission published its final report in July 2004, but the men and women in the first responder community knew of the communications difficulties before 9/11.

Not long after 9/11, I traveled around Michigan and held a number of different townhall meetings. Over and over again, I heard the same thing from our police officers and firefighters, our emergency responders. In the 5 years since the September 11 attacks, one of the top requests for support I receive every year from the communities in Michigan is for interoperable communications equipment. Nearly every time I meet with police and firefighters and emergency medical personnel, they bring up this issue.

The 9/11 Commission is not alone in the assessment of this problem. In June of 2004, a U.S. Conference of Mayors survey found that 94 percent of cities didn't have interoperable capabilities between police and firefighters and emergency workers; 60 percent of cities didn't have interoperable capability with the State emergency operation center in their State.

It has been over 5 years and we now are seeing this come forward in this important bill. I commend everybody involved in this legislation for putting in the first grant program for interoperability. This is a program that would be dedicated to improving communications between our first responders and would authorize $3.3 billion over the next 5 years to begin to get this right.

Our committee that has brought this forward has done an excellent job of presenting a package for us of which we can all be proud. It is a bipartisan effort. I hope we are going to see us move beyond this stalemate able to get the job done. The people of my State, and each of our States, are counting on us, and certainly the families who have suffered such a grave loss in the attacks on our country are counting on us to focus on the job in front of us and get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 818 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

AMENDMENT NO. 313

Mr. DORGAN. Madam President, I have an amendment pending, as my colleagues know, that I cannot get a vote on. I don't know whether the other side will relent and give us a vote on the amendment. I offered it a week ago today. The amendment deals with the issue of al-Qaida. This bill is about

the recommendations by the 9/11 Commission. It has been, I am told, 2,002 days since 9/1/2001. I was sitting in the Capitol that morning at a Democratic leadership meeting on that side of the Capitol with windows that looked out to the east.

We saw first on the television set the airplanes that attacked the World Trade Center. We saw the second plane fly into the second building of the World Trade Center. We then saw black smoke rising from the Pentagon that morning. Then this building was evacuated.

That has been a long while ago. Yet it seems like only yesterday. We looked up into the real bright blue sky that morning and saw F–16 fighter jets flying air cover over this Nation's capital.

We discovered later, because they boasted about it, that it was al-Qaida—Osama bin Laden, al-Zawahiri—who attacked this country and murdered several thousand of America's citizens. They boasted about it. They sent us videotapes, audiotapes telling us they were the ones who attacked our country.

Well, it is not 9/1/2001 today. It is a couple of thousand days later. Those who boasted they attacked this country are now living in Pakistan. That does not come from me, that comes from the top terrorist official in our country. In fact, both of the top intelligence chiefs in our country in the last 2 months have said the following, and I will quote them:

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

Think of that. Nearly 6 years after we were attacked by al-Qaida, we are told: The greatest threat to our country—and this is from open testimony before the Senate Select Committee on Intelligence by Mr. Negroponte, the top intelligence head in this country—is al-Qaida.

Here is what he said—this was repeated a couple of weeks ago by his successor:

Al-Qaida leaders ''continue to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan . . . ''

It has been 2,002 days. Those who killed thousands of Americans, those who are now the greatest terrorist threat to our country are living in a secure hideout in Pakistan. I would like to understand what is a higher priority for this country than to eliminate the leadership of al-Qaida, if, in fact, they represent the gravest terrorist danger to America. What is a higher priority?

I offer this amendment with my colleague, Senator CONRAD. Incidently, we offered and passed an amendment on this subject last fall that got dropped in conference.

This amendment that is fairly simple. It asks the administration, the Director of National Intelligence, and the Secretary of Defense to give Congress, every 6 months, a classified report telling us three things. First, whether the al-Qaida leadership is still in a secure hideout in Pakistan and, if not, where are they?

Second, tell us where they are, based on your knowledge. Incidentally, as I said, we have had testimony twice now from the top intelligence official in the Government that they are in a secure hideout in Pakistan. Second, whether the countries in which they reside are cooperating with us in our attempt to eliminate the al-Qaida leadership.

Third, our report will require the head of our intelligence and the head of the Department of Defense to tell us what additional resources they need, if they need additional resources, to capture Mr. bin Laden, Mr. Zawahiri, and al-Qaida's leadership.

We are having an aggressive debate in this country about Iraq. We should. It is an unbelievably difficult situation. In the shadow of 9/11, in the shadow of the terrorist threat that emerged immediately from 9/11, we were told by our intelligence community, by the administration, in top secret briefings, that Iraq posed imminent danger to this country and possessed weapons of mass destruction.

It turns out the intelligence was not accurate.

There are many reasons for that, some very troubling. But it turns out the intelligence was wrong. Nonetheless, the President committed troops to battle, and we are in Iraq and have been in that war in Iraq longer than for the Second World War. It is a lengthy period. It has lasted longer than the Second World War.

In fact, the National Intelligence Estimate was just released a couple months ago. A portion has been declassified. It says that most of what is happening in Iraq is sectarian violence. Yes, there are some al-Qaida in Anbar Province, but the bulk of what is happening in Iraq is sectarian violence. Translated, it means there is a civil war going on in Iraq.

That does not surprise anybody. Watch the evening news. Read the newspapers. We understand and see the evidence of this civil war. The question now for our country is, what do we make of a circumstance where we now find ourselves having substantial numbers of American soldiers in the middle of a civil war in Iraq? How do we respond to that? And how do we deal with that?

President Bush, some months ago, presented false choices to our country. He said the issue is just stay the course or cut and run. He said: I am for staying the course and they are for cutting and running—a completely false choice, and he knew it. Later, he said he never said ''stay the course,'' but, in fact, he did many times.

But it was never the proper choice, stay the course or cut and run. The question is, What is a smart choice for our country? What represents our best interests, the best interests of our troops, the best interests of our own national interest with respect to the country of Iraq?

We are going to leave Iraq. That is not in question. The question is, when and how. The American people are not going to have American soldiers in the middle of civil strife in Iraq for 6 months, 6 years, 16 years. We are leaving Iraq. The question is, how and when, and that is a worthy debate to have. We have soldiers risking their lives.

Our country has asked soldiers to risk their lives for deployments—many of them multiple deployments. Yet the country has not gone to war with those soldiers. We send soldiers to Iraq to fight, and we are told: Go shopping. Soldiers go to war; we go to the mall. This country has not asked to be—excuse me, I should say it differently. No one has asked this country to be engaged in this war. We are told: Do you know what? In this war we should have tax cuts.

In fact, we have already spent somewhere close to $500 billion on the war—none of it paid for. We send soldiers to war and then are not willing to pay the costs. The cost in lives and treasure for this country is substantial. The question that we are coming to grips with in this Chamber, finally, at long last, is, what do we make of all of this? What kind of strategy do we develop? How do we approach this in a way that begins to decide what makes the best sense for this country's national interest?

We have had many discussions about that. I think we have arrived at some points in that discussion that will make a great deal of sense for this country. But even as we discuss Iraq, which is not the central front in the war on terrorism, we have people coming to the Congress and testifying before our committees and telling us the greatest threat to our country—the greatest threat to our country—is al-Qaida. Then we go home, as we talk about Iraq in the Senate, and we turn on the television set and see that al-Qaida is reconstituting training camps in Pakistan, and we see that al-Qaida is ramping up an opportunity with the Taliban to begin operations in Afghanistan to threaten the Government of Afghanistan.

So what do we make of all of that? Well, there is a giant yawn, it seems to me—just a giant yawn. Nobody cares. Nobody says much about al-Qaida. If this is the greatest terrorist threat to our country, why is it not No. 1 on this country's agenda—eliminating the leadership of al-Qaida?

The President says:

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

''I am truly not that concerned about him,'' the President says.

His intelligence chief comes to us and says, ''Al-Qaeda is the terrorist organization that poses the greatest

threat to U.S. interests. . . .,'' and we are not concerned about Osama bin Laden, the man who boasted about murdering thousands of American citizens?

Then we read this in the morning papers:

Senior leaders of Al Qaeda operating from Pakistan have re-established significant control over their once-battered worldwide terror network and over the past year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.

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

How many warnings do we need? How often do we have to be told? Who has to tell us before we understand what are priorities are?

I have offered, with my colleague, Senator CONRAD, a simple amendment saying: Let's keep our eye on the ball. Every 6 months we should receive a classified report to say what is being done about this, where is the leadership of al-Qaida. Are they still in a secure hideout or hideaway in Pakistan? If so, are the leaders of this country helping us to try to eliminate that leadership? What kind of resources are necessary?

The President said some long while ago the issue with respect to terrorism is not just the terrorists but also those who harbor them. If the leadership of al-Qaida is in northern Pakistan, are they being harbored by the Government of Pakistan? Oh, I know, I am worried about President Musharraf. Sure. We all are. But is the Government of Pakistan—reportedly a government that has just made some sort of commitment with the Taliban, sort of a nonaggression pact with the Taliban, a Taliban that is likely protecting and hiding the leadership of al-Qaida—is that in our national interest? I don't think so.

So I offer an amendment, a simple, tiny, little amendment that says: Let's keep our eye on the ball. If this is the greatest threat to our country, why is it not ranked No. 1? Why is it relegated to an ''I don't care; I don't know where he is or they are; it does not matter''?

How about deciding this is a priority.

Why are we not able to get a vote on this amendment? Why, after a week, are we not able to get a vote? Why would someone vote against this amendment? Why would someone oppose an attempt by our country to decide this is a priority? Why don't we have a vote and see if there are those who are opposed? I don't know. It is very frustrating. We bring a bill to the floor of the Senate dealing with 9/11.

Madam President, 9/11 was very simple and tragic; 9/11 was the day that a terrorist organization named al-Qaida hijacked airplanes, used those airplanes, full of fuel, as guided missiles, low-tech weaponry, to murder thousands of Americans.

We know who did it. They claimed they did it. They boasted about it. Now we are told by the top intelligence chief in our country we know where they are. And 2,002 days later, they are still there. By the way, we still receive messages from them from time to time. They send an audio tape or a video tape to Al Jazeera, and they speak to us. So they exist. Our intelligence chief says we know they exist and where they are.

The question is, why is this country not doing what it is required to do to deal with the highest and most significant terrorist threat that exists to the United States? I do not understand it.

So the question will be, I guess, in the coming hours, who is blocking this amendment? Why are they blocking this amendment? Why on Earth would anyone oppose such an amendment? Is the U.S. Congress willing to debate these issues, make decisions on these issues? I thought it was the great deliberative body in our country. You come to the floor of the U.S. Senate and exchange views, and you have a debate, a competition of ideas, and you select the best from each rather than the worst of both. That is what I thought this was about. I am enormously proud to be here. This is a great place. But it is enormously frustrating to spend a week on an amendment such as this and then discover that there are people who will decide you cannot have a vote on an amendment. Why? Because they are worried it might make somebody look bad.

This amendment is not about making anybody look bad. It is about turning this country to aim at the greatest terrorist threat that is described by our top intelligence chief and deciding to do something about it.

I come to the floor a third time now talking about this in the context of the other issues of Iraq and other matters we will discuss, including trying to pass the 9/11 bill. I do so recognizing a lot of people have a lot of ideas around here—some good, some bad. We vote on many of them. This is an idea we ought to vote on, and we ought to do it soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, let me inquire of the Senator from Maine. The ranking member is here, but the manager of the bill is not here. She has heard my presentation, I guess, three times now and perhaps is long tired of it. But let me ask if there is an opportunity for me to propound a unanimous consent request to get a vote on this amendment. I know I visited with the Senator from Connecticut and with the Senator from Maine yesterday and, I think, the day before about this amendment.

Could I get some expression from the ranking member of the thinking of the chairman and the ranking member about getting a vote on this amendment?

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, although it appears nothing has been happening today, in fact, there have been extensive negotiations going on behind the scenes with a list of amendments from our side and from the Senator's side. I know for a fact the Senator's amendment is on that list and is part of the discussions that are underway.

But the system of trying to clear these amendments is a very time-consuming one. There are Senators on the Democratic side who have objected to clearing the list and there are Senators on my side of the aisle who have objected to clearing the list.

But I can tell the Senator I personally did ask for the Senator's amendment, as did the manager of the bill, to be added to the list for those where we would try to either clear them through unanimous consent or we would try to get a rollcall vote. I personally have no objection to having a rollcall vote on the Senator's amendment or accepting the Senator's amendment, but we have not yet completed the clearance process. The reason I have remained on the floor is in the hope that clearance will occur. But I will tell the Senator there are problems clearing the joint list on both sides of the aisle.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, my understanding is my amendment is not on the list from the minority side. I do not know whether that is true or not, but I am told it is not on the list. If it is on the list, I am enormously heartened. As always, my colleague from Maine is very cordial, and I have always enjoyed working with her.

My only inquiry is to try to find a way, after a week, to be on the list so we can move this amendment. I would say to my colleague—and I know she would agree with this—it is often the case, as they say, where appearances are deceiving. That is not necessarily the case in the Senate. When it looks as if we are not doing much, in most cases we are not doing much.

I remain hopeful that behind the scenes we will get a list in which we will be able to clear a number of amendments. At the end of that, I will be the first to come to the floor to congratulate the chairman and the ranking member, who have exhibited enormous patience. I have complained about coming here now for a week, I guess three times. They have been sitting on the floor all week. So they show even greater patience with respect to the bill itself. My impatience is about my amendment.

My hope will be that as lists are exchanged, I will find the name of this

amendment on the list and that it will be cleared at some point.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, first I thank my friend from North Dakota for his empathy for what the Senator from Maine and I are going through. There is a particular syndrome here that probably psychiatrists someday will analyze. But anyway, so far we are surviving it. It is frustrating.

I support the amendment of the Senator from North Dakota. It makes eminent sense to me in every way and it is certainly relevant to this bill. We have a process where we are trying to put together a group of amendments from both sides, and yet there are few people whose amendments haven't made it to that list who are refusing to consent. This is one of those moments of Senate gridlock, but we are going to continue to work at it. I in particular want to reassure the Senator, my friend, we are going to try to continue to work to get his amendment passed.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Let me thank the Senator from Connecticut and the Senator from Maine. No one that I know of ever has accused the Senate of speeding. We have never been accused of speeding. It is a slow, deliberate, frustrating process to get legislation done. I understand that. No one has to have more patience than those who have managed the bill on the floor.

Let me look ahead with great anticipation of coming to the floor and thanking both of them for allowing me to get my amendment passed. I would much prefer that than coming to the floor in a crabby mood about an amendment I couldn't get done.

I thank them for their patience and thank them for their work, and I hope later today we will be able to clear some of these amendments.

Mr. LOTT. Will the Senator yield? Is it too late to object to the Senator's amendment?

Mr. DORGAN. The Senator has a right to object to anything at any time. In fact, there are some professional objectors, as we know, here in the Senate.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I will point out we do have professional objectors on both sides. We have people who are eager to object to amendments going forward. But the Senator from Connecticut and I are working hard to try to clear a list that could be accepted by unanimous consent without rollcall votes, and then I have just confirmed with my staff what I said a few moments ago, that there is a second list we are trying to clear for rollcall votes. I am not saying the Senator's amendment has cleared the UC list, but I am telling the Senator his amendment remains on a list we are trying to develop to have rollcall votes.

Now, this is a difficult procedure because of the power of any Senator to throw a monkey wrench into the works, and we have a lot of monkey wrenches and other tools that are being thrown by Senators on both sides of the aisle. But I do want to assure the Senator his amendment is on a list the Senator from Connecticut and I are trying to clear for votes.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am in favor of pushing this from time to time. Yesterday we had a vote on something that was very instructive and I appreciate the majority leader pushing it to a vote.

We had for 2 years—2 years—a vacancy in the Assistant Secretary for Indian Affairs position—for 2 years. This is shameful. People are living in Third World conditions in this country and the head of the BIA had not been confirmed. For 2 years it was vacant. This was a nominee by the President, and I supported the nominee. He sent it up last fall. We didn't get it done. He sent it up earlier this year, and I immediately moved it out of my committee. This is President Bush's appointment, and a good one, I might add. There was a hold on it. We finally forced it to the floor of the Senate a couple of days ago, and guess what. The vote was 87 to 1. One person in the Senate puts a hold on something and the whole thing grinds to a halt.

Let's force it in a vote, as my colleague Senator REID did, and we will discover who is trying to hold things up. Let's move ahead on these amendments and have votes, and we will get the best of what both sides have to offer.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST

Mr. REID. Madam President, I ask unanimous consent that Monday, this coming Monday, March 12 at 3 p.m., the Senate begin debate on the following: S.J. Res. 9, sponsored by Senator REID of Nevada; S. Res. 101, sponsored by Senator REID of Nevada; S. Con. Res. 7 by Senator WARNER; S. Res. 70 by Senator MCCAIN; S. 641 by Senator GREGG; that there be 6 hours for debate on these items en bloc on Monday, equally divided between the two leaders or their designees; that no amendments or other motions be in order to any of the above; that on Tuesday, March 13 there be 6 more hours for debate on the above, divided in the same way; 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.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, we have watched carefully our good friends on the other side of the aisle on this issue going back to January in an attempt to reach some kind of a consensus on their side of the aisle. I asked my staff to go back and total up the number of different proposals that have either been proposed here on the floor or proposed by one of our good friends on the other side. There are 16 of them.

There was a Biden resolution and then there was a Levin resolution. Then there was a Reid-Pelosi resolution, the Murtha plan, the Biden-Levin resolution, the Conrad funding cut. There was a waiver plan, a timeline plan, a Feingold resolution, an Obama resolution, a Clinton resolution, a Dodd resolution, a Kennedy resolution, a Feinstein resolution, a Byrd resolution, a Kerry resolution, and today would make No. 17.

At this particular juncture, having just gotten this proposal, it would be necessary, I would say to my good friend, the majority leader, for me to share it with members of my conference. We also would want to make certain it would still be the view of my side that the Warner proposal, the McCain proposal, and the Gregg proposal would be the ones we would want to offer. That was 3 weeks ago. I was one of those privileged to hear a briefing from General Petraeus over at the Pentagon this morning. Conditions are changing. We would have to go through a fairly significant consultative process on this side of the aisle to be able to conclude exactly what we would want to offer. I am prepared to begin that process, but I can't today agree to this particular consent agreement. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Madam President, we all recall that when we had the debate a couple of weeks ago, the issue was could the Republicans offer amendments to the antisurge resolution that was on the floor. The purpose of that, of course, was to divert attention away from the antisurge resolution. The House and the Senate voted on the antisurge resolution, and 56 percent of the Senate and 56 percent of the House voted against the surge.

I was of the understanding that following the discussion—following the legislation that was completed on that matter, Republicans wanted the opportunity to offer McCain, which was prosurge; Warner, which was middle ground; and then Judd Gregg, which was a feel-good amendment. At this stage it appears they have changed their opportunities.

I say this: This war has been going on for 48 months—48 months. This war

will soon be beginning the fifth year. As of less than 2 weeks, the war will be in its fifth year. When the Democrats were in the minority, we tried lots of ways to get the President to refocus on this war, to change course. We have been in the majority for 8 weeks and what have we done? We have had almost 50 hearings on Iraq. These are hearings that should have been done a long time ago. We have 3,200 dead American soldiers, 25,000 of them wounded. We are now focusing on Walter Reed, and the same type of oversight we have at Walter Reed and our other military facilities, taking care of our wounded veterans, and then being, some of them, dumped into the Veterans' Administration system prior to their being able to be in that system.

We are being criticized for wanting to go forward on the debate, as we thought the minority wanted. General Petraeus, today, from Iraq—it was on all the news—what did he say? He said the war in Iraq cannot be won militarily. He said that. I didn't say that, he said it. It can only be won politically.

We believe, as does an overwhelming majority of the American people, that President Bush wants to change course in Iraq. That is why we want to debate that. We don't want to take a lot of time. It will be very short. But the mission in Iraq has changed dramatically during these 4 going on 5 years. I am disappointed that again the minority does not want to debate on Iraq.

I say this: There will be a debate on Iraq. The House and Senate, a majority in the House and Senate agree that the course in Iraq must change. Today, the House propounded what they want to do. Today, we propounded what we want to do. They are basically the same thing. Theirs is a little different because they are getting on to a supplemental appropriations bill. We cannot do that. But it is the same principle—change course in Iraq and redeploy these troops.

We will have other opportunities to debate Iraq. But at this stage I am very disappointed we are not going to be able to set up a time next week to go forward. In the meantime, I have spoken to the managers of this legislation now before the body. Hopefully, we can move forward.

I say to everyone here, any bags that were packed for weekend travel should be put on hold. Save that for some other time. We could be in here over the weekend. We could have as many as three cloture votes over the weekend. One will be on the package of bills that has had no hearings or anything else. We will do that. I guess it is an opportunity—filing that cloture—to see if November 7 was correct; did the Democrats win? I guess that is what that first vote will be. I think it will be that they did win. Then we will go to cloture, if necessary, on the bill, and then on the substitute.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, let me agree with the majority leader that the Iraq debate will be coming. Nobody on my side objects to having that debate. It is about supporting the troops.

Shortly we will have before the Senate supplemental appropriations, which is about funding for the troops. That debate, I am certain, will occur, as the majority leader indicated, before the Easter recess. We will take a look at the proposal he offered a few moments ago to see whether it is possible to have another Iraq debate next week before we have another one 2 weeks from now. But I cannot agree to this today, having just been handed the plan the majority has a few moments ago, and not having had an opportunity to consult with my own side about what proposals we might think would be appropriate to offer—some 3 weeks after the last discussion of the possibility of entering into a unanimous consent agreement to handle this measure.

With regard to the status of the war, I am certain nobody in this Chamber objects to the fact we have not been attacked here at home since 9/11. I doubt if anybody in the Chamber thinks that is a complete accident, some quirk of fate. It is a direct result of having been on offense in both Afghanistan and Iraq. Nobody is satisfied with the progress made in Iraq. That is why we have a new Secretary of Defense and why we have a new general, from whom I and others heard this morning, indicating there are early signs that this mission may well succeed.

I don't think we ought to say to our troops in the middle of this new mission we are not going to support them. That is what this is all about. We will get back to the Iraq debate in due time. Members on my side of the aisle will be happy to engage. We think this is the most important issue in the country, and we look forward to having that debate, at the latest in the context of the supplemental appropriation.

I yield the floor.

Mr. REID. Before my friend leaves, I renew my consent making it 60 votes rather than 50 votes. Does that affect anything?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. My objection is for the same reason I objected to the earlier consent agreement.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am sorry the Republican leader was unable to agree to the proposal put forward by Senator REID on behalf of the Democratic majority of the Senate. It seems to me my friends on the other side of the aisle cannot accept yes for an answer. They have wanted for a long time to have a vote on the Gregg amendment. Senator REID said, fine, we will vote on the Gregg amendment.

Mr. REID. Will my friend yield for a second?

Mrs. BOXER. Yes, I am happy to.

Mr. REID. I want to make sure the RECORD is clear. Speaking to the majority whip, I want to make sure everybody understands we are going to get to this, and whether we do it next week or on the supplemental, we are going to do it. We can do it on both. The issue is that the House is on the supplemental already; therefore, they have things they can do on it we cannot do until we get to it.

Thank you very much.

Mrs. BOXER. Yes. I am glad the leader explained that. The fact is, with the approval of the other side, we could have taken up the Iraq issue on Monday, and we could all have been heard all of Monday, Tuesday, and then voted for the resolution that represented our ideas, our thoughts, on how to proceed in Iraq.

The fact is, that proposal was objected to by the Republicans. What was that proposal? It was everything they wanted last week. They wanted a vote on the Gregg amendment. We said fine, you can do it. They wanted a vote on the Warner amendment. Senator REID said you got it. They wanted a vote in favor of the surge with the McCain amendment. Senator REID had that in his proposal. We Democrats are asking for a vote on our proposal, which I will talk about in a minute, and another proposal that would be similar to Senator GREGG's.

Republicans would have gotten three of their amendments and proposals, and we would have gotten, on our side, two. But the Republicans cannot say yes. What this means is Senator REID is right. We are not going to debate Iraq next week—at least not Monday. We will debate it in the context of the supplemental or, if we can reach agreement, in the context of a unanimous consent resolution.

I am very proud to be a cosponsor of the Reid joint resolution. I want to talk about what it does. It says we support the troops. It says the circumstances cited in the 2002 use of force authorization have changed substantially. We all know that. It is not the same. We went in to find weapons of mass destruction. Then they changed the mission to capture Saddam Hussein. Then they changed the mission to make it safe for an election. Iraq has had three. Then they changed the mission to train the Iraqi troops, and they have now 300,000.

But I have to say that to see our troops in the middle of a civil war is not what we should be supporting. The Iraq Study Group said that, and this resolution says U.S. troops should not be policing a civil war. The American people agree with that. Further, we say U.S. policy in Iraq must change to emphasize the need for a political solution.

We all know there will never, ever be a solution, no matter how many troops are sent to Iraq, and whether they stay there a week, a month, a year, or 10 years, there will never be a solution

until that solution is a political one, where the countries in the region come forward, where the various parties in Iraq who are warring come to the table and hammer out an agreement.

Now, we know what happened when the President chose to go into Iraq. He turned his back. He turned his back on the war I voted for, the war against Osama bin Laden. He turned his back on the people of Afghanistan. Yes, we are there. But if we had done with half of the number of troops we had in Iraq now, and if we had used those in Afghanistan, and if we had spent maybe a third of the funding we spent in Iraq in Afghanistan, we would have a different scene in Afghanistan. We would be in a better place in Afghanistan.

So, clearly, what happened with the Iraq war was it took our focus off the war on terror. We call for the President to properly transition the mission of U.S. forces and begin a phased redeployment no later than 120 days following enactment. So we will start bringing the troops home. We Democrats want to start bringing the troops home and, if they don't come home, redeploy them out of Iraq to other places. It is our goal to redeploy all combat forces from Iraq by March 31, 2008.

I have to say, what I have heard from my colleagues on the other side of the aisle, whenever we talk about a timeline, is it is terrible to set a timeline. I rhetorically ask, why? Don't we need to send a message to the Iraqis that we will not hold their hands forever, that they have to take care of their own country, that we cannot keep sending the treasure of our country in the form of our troops forever? We have lost too many. Too many are wounded. I met with paralyzed veterans today. I can tell you that from the look on their faces, they are desperate for help they are not getting. Why? Because we have so many wounded, this administration wasn't ready for the numbers. They never say that. They weren't ready. They weren't ready to support our troops.

Now, we need a comprehensive strategy to ensure stability in Iraq. As I said, we need a mission our troops can accomplish. In our resolution, we call for three limited purposes: force protection, training and equipping Iraqi troops, and targeted counterterror operations. So we say, for the troops remaining, they will not be in the middle of a civil war, but they will protect our forces who are there, they will train and equip Iraqis and continue counterterror operations.

We want to change course. We want to transition the mission and we want to bring civility to Iraq. Now, that is Senator REID's proposal. I think the vast majority of Democrats are supporting it.

More than 3,175 U.S. military men and women have been killed in the war in Iraq. More than 23,900 have been wounded. So it is not hard to understand why a majority of the American people now believe the war in Iraq was not worth fighting. The American people understand our military and their families are paying a very severe price for this never-ending war. They understand this administration's foreign policy decisions have not only made us less safe, but they have empowered dangerous leaders such as the one in Iran. It is time for us to begin the redeployment of our forces from Iraq, just as the Reid resolution recommends, so we can return our focus to the war on terror and fight that war from a position of strength. We cannot defeat al-Qaida while we are bogged down in the middle of a civil war.

I do hope we can pass Senator DORGAN's resolution making a very strong point that Osama bin Laden attacked our country, and we want him captured.

Our troops have performed brilliantly. They have done everything asked of them. They deserve the love and support of a grateful Nation. When you love the troops, you give them a mission they can accomplish. You don't give them mission impossible. You don't give them a mission that puts them in the middle of a civil war, and that is why the Democratic proposal is so important.

As former Secretary of State Madeleine Albright recently told the Senate Foreign Relations Committee, on which I serve:

> We have put our forces in the absurd position of trying to prevent violence by all sides against all sides. The Sunnis want us to protect them from the Shiites. The Shiites want us on the sidelines so that they can consolidate their power. Both are divided among themselves. . . .

This is what she said to our committee. I was there when she said it:

> If I was a soldier on patrol in Baghdad, I wouldn't know whom to shoot at until I was shot at, which is untenable.

An unclassified summary of the National Intelligence Estimate on Iraq states:

> The intelligence community judges that the word ''civil war'' accurately describes key elements of the Iraqi conflict, including the hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacements.

That is our intelligence community. There is no military solution to the situation in Iraq. The only sustainable solution is a political and diplomatic one, as I said previously.

Some warn us we must not redeploy our troops from Iraq and take them out of the middle of the civil war or else there will be a larger civil war. But I say we should heed the advice of Ed Luttwak, a senior fellow at the Center for Strategy and International Studies, who said:

> By interfering with the civil war [in Iraq], we are prolonging it. . . .

Let me repeat that:

> By interfering with the civil war [in Iraq], we are prolonging it . . . we are intruding in matters we cannot manage successfully. And therefore, I believe, that disengagement is the right way to go.

I wish to talk about something that gets Senators in trouble, and that is using the words ''love the troops.''

There is a lot of rhetoric about what it means to love the troops. I say when you love the troops, you give them gear and equipment they need, and you don't tell them to settle for less. We remember Secretary Rumsfeld who said, when asked by the troops about body armor:

> As you know, you have to go to war with the Army you have, not the Army you want.

We will never forget that stinging rebuke to a soldier who was deeply fearful about the lack of armor, the lack of equipment. That arrogant statement shows why our service members were left scrounging for scrap metal for their vehicles and asking their families back home to send bandages and body armor.

What was interesting about the last election is people said nothing will change, nothing will change if the Democrats win this election. The first thing that happened was Rumsfeld was gone in 5 minutes—in 5 minutes. So elections have consequences, and I believe now we have a Secretary of Defense who seems to me to be trying to grapple with the problems he is facing. He isn't arrogant, and he doesn't tell the troops to go get lost if they ask a tough question.

The President is now increasing the number of troops in Iraq. Today I learned that in addition to the surge, he is adding another 2,000 troops. But we still know not all of them will have the best equipment. This is unacceptable, and loving our troops has to be more than a slogan. When you love your troops, you send them into battle adequately equipped.

When you love the troops, you don't lower the standards for their future colleagues in arms. In order to meet recruiting goals, the Army has significantly lowered eligibility standards. The number of waivers granted to Army recruits with criminal backgrounds has grown about 65 percent in the last 3 years. Approximately 11 percent, or 894, of the 8,120 waivers granted in 2006 were for people with felony convictions. When you love the troops, do you want to put them next to someone who has been convicted of a felony?

Our military men and women must trust their fellow soldiers with their lives. We must ensure that our military meets the highest standards.

I compliment Congressman MURTHA, who is known in this country as a war hero, who has been there, who has done that, who has seen things none of us would ever want to see. He says we can't keep sending our troops back into the field, into combat, without adequate preparation, training, and the highest standards—and rest.

I say that when you love the troops, you don't send them to moldy hospital rooms to recuperate. You don't do it. Recent press reports have revealed that

soldiers are languishing in substandard facilities at Walter Reed Army Medical Center. I thank my colleagues in the Congress for investigating this matter because some of us believe it is the tip of the iceberg.

I have asked my State staff to go on a tour of California hospitals and report back to me as to conditions in those hospitals.

An investigation by the Washington Post found vermin, leaking pipes, and mold at Walter Reed Building 18, an old hotel used by outpatients receiving care at the main Walter Reed Hospital facility.

The Post also highlighted larger and even more disturbing problems related to personnel management and record-keeping. Soldiers complained of lost paperwork, of difficulty locating their appointments and of months—even as long as 2 years—spent trying to navigate a bureaucratic nightmare. According to the Post, some soldiers have simply given up trying to receive care and have gone home.

I wish to point out to the Senate—because we all know there are deep differences about this war—I want people to know that although Senator LIEBERMAN and I do not see eye to eye on this war—and he will say that and I will say that; we see it from a different point of view—we have teamed up to try and make sure our soldiers on the battlefield get the mental health help they must have.

We are disturbed about some of the rules, about what we have found in our investigation with our staffs. And that is, many times doctors are overruled by the officers and a doctor will say: Do not send this individual out because they have post-traumatic stress and sometimes, unfortunately, we have learned the doctor doesn't hold sway, and the soldier is sent out with a pocketful of antidepressants, just as you would give someone aspirin for a headache.

This isn't good enough for our soldiers. Senator LIEBERMAN and I are now working with Senator MURRAY, Senator INOUYE, Senator LEVIN, and Senator AKAKA to try and make sure our soldiers get the care they need, whether it is physical injury or mental injury.

I went to a hospital in San Francisco. I saw x-rays of brains that were damaged by explosions, and then I saw x-rays of brains of people who had post-traumatic stress. The doctors told me that in both cases, you see the damage. You can't tell one from the other.

So when you love the troops, you don't send them back into combat with post-traumatic stress and a bottle of antidepressants. You don't do it. Tragically, we know this is happening.

As part of the 2007 Defense authorization bill, my legislation passed requiring the DOD to issue guidelines as to the deployability of servicemembers with post-traumatic stress, but the DOD has not issued the guidelines and servicemembers with PTSD, post-traumatic stress disorder, continue to be deployed.

When you love the troops, you don't reduce the number of permanent disability decisions to save money, when so many of these troops are, in fact, permanently disabled. Recent press reports in my hometown paper, the Desert Sun in California, have suggested that the Army is trying to save money by giving our troops less of a disability rating than they deserve, despite an enormous spike in the number of battlefield injuries resulting from service in Iraq and Afghanistan.

Now, after nearly 4 years in Iraq, which was supposed to be a walk in the park, a mission easily accomplished, an enemy in the last throes, it is time to tell this President the time is up for his ever-changing mission.

Our troops, whom we all love, deserve more than broken promises, broken bodies, and broken dreams. It is time that Congress, following the will of the voters, start redeploying the troops out of Iraq now, as Britain has done, as Japan has done, as Italy has done, as Hungary has done, as Spain has done, as Portugal has done, as Norway has done.

It is time to say to the President that the authorization you received from this Congress has to come to an end, just like your coalition of the willing is coming to an end. The American people want this over.

The Democratic resolution that Senator REID tried to get before our body is reasonable. It is not a cut-and-run resolution. It is a resolution that says: Start redeploying the troops out of there, change the mission, as the Iraq Study Group suggested, take our troops out of the middle of a civil war, give them missions they can accomplish—force protection, training and equipping Iraqi troops, targeted counterterrorism operations so we can continue that war against al-Qaida for which I voted.

I didn't vote for this one. This one is a diversion from the war on terror, in my humble opinion.

My people in California want their National Guard home protecting them in case of emergency. I met with my National Guard. They are short of equipment. In a State such as mine where we have earthquakes, fire, flood, drought—every kind of problem one can name—we want our National Guard home and ready. There are terror targets in my State. We do have those symbols of America that the terrorists would love to target.

We want our troops back home. We are willing to say if you get them out of a civil war, if you want to keep them in the area to do a limited number of missions, that make sense, fine. It is time for diplomacy. It is time for a political solution. It is time for this Senate to take up Harry Reid's offer and allow us to vote on our resolution that starts redeploying the troops out of Iraq and bring up Senator WARNER's resolution and bring up Senator GREGG's resolution and bring up Senator MCCAIN's resolution—bring them all to the floor of the Senate. But don't block us from having this debate which we were ready to start on Monday.

I hope my Republican friends will reconsider. This is not the first time they have blocked us from debate on Iraq. We respect their points of view. We honor their points of view. We encourage them to support the resolutions that they support. But don't block a debate.

In closing, I compliment my friends, the managers of this 9/11 bill. This is such an important bill. It is so important. I restrained myself from offering amendments on this bill. I had something I wanted to do regarding blast-resistant cargo containers, but I didn't want to hold up getting this bill done. We can work on some of the fine points later.

I hope colleagues on both sides will vote to bring debate to a close on this 9/11 bill. Both our colleagues have worked so hard on it, and the 9/11 Commission has warned us we have work to do. We are so happy to see this bill on the floor. So let's get it done as soon as possible, and then let's go to a debate on a cloud that is hanging over all our heads, regardless of how one feels about this war. Let's have that Senate debate, that respectful debate on how to achieve success and bring our troops home from Iraq.

I thank the Chair. I yield the floor.

Mr. LIEBERMAN. Mr. President, I wish to notify our colleagues who are watching, or their staffs, that there is good news to report. There has been a break in the gridlock, and I soon will be propounding a unanimous consent agreement that will provide for a limited period of time for debate and then votes on four amendments that have been in dispute, perhaps one or two judicial nominations after that, and that will open the way for Senator COLLINS and me to move to adopt several other amendments we have been working on and on which there is bipartisan agreement, and those we can do by consent. So, in a few moments, I hope we can come forward to offer this light which suggests a breakthrough as we head to the cloture votes tomorrow.

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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business for no more than 5 minutes.

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

WALTER REED

Mr. NELSON of Florida. Mr. President, we have had hearings this week in several of our committees on the situation at Walter Reed Army Hospital

and the great public service that the Washington Post has done in their investigative piece bringing to light the conditions that our soldiers surely should not be in. Naturally, there is no excuse for there to be mold and leaking ceilings and pipes that do not work, and so forth. It seems to foretell a greater problem since the Post brought this to light. More people have asked questions about the delivery of health care to our wounded soldiers, sailors, marines, anyone representing the United States, particularly in service to the country. There are just too many things that keep coming up that the system is not working as it should.

A major injury that we are finding coming out of Iraq and Afghanistan is traumatic brain injury, called TBI. If it is not diagnosed and treated early, then many times the effects are irreversible. Why is it that the inspector general of the Department of Veterans Affairs, in an IG report last July, July of 2006, points out that in traumatic brain injury, if you are in the military compared to if you have that injury in the private sector, it takes three times as long?

These are the very young men and women we are supposed to be protecting and looking out for their health because we are so appreciative of their service to this country. Indeed, that inspector general's report points out that if you are in the private sector and you have a brain injury, you are at least going to get that treatment within 2 weeks. The IG report says that if you are in the military, you are not going to get that treatment on average until 6 weeks later. That is the difference—a lifetime of debilitation by not having the early treatment for that brain injury.

So the word is out.

I am headed to one of four trauma centers in the country. It happens to be in my State, a veterans hospital that is one of the specialty training centers, specialty centers for brain injuries. It is in the Tampa VA hospital, the Haley Hospital. Of course, now that this has been in the news, I have been getting these questions about: Are they getting the kind of care they should? I hear some people who say yes, I hear others who say it is excellent care, and I hear others who say it is not. Well, we are going to find out. That is the responsibility of this Senator from the State of Florida. That is the responsibility of this Senator, a member of the Senate Armed Services Committee.

Let me tell my colleagues what else we are hearing. We are hearing that in this bureaucratic tape, this is what is happening: The soldier comes back from Iraq, is diagnosed with the traumatic brain injury, somebody makes a decision that they ought to go to one of those four VA hospitals that have a specialty for brain injury, but they do not get the paperwork processed to get them out of the military so that they are then eligible for the veterans. Believe it or not, I heard of cases where they send the soldier down there, they get to the veterans hospital for brain treatment, and they say: We cannot treat you; you have not been released from the military.

How bad is that bureaucratic mumbo-jumbo? Who is the victim? The very people for whom we have set up a system of military hospitals and veterans hospitals to try to give the best care to. This nonsense has got to stop.

It is my hope that as a result of the Post bringing to light deplorable conditions in Building 18 at Walter Reed Army Hospital, it is scratching back the surface to see what is underneath, and whether it be the conditions in a hospital, veterans or military, whether it be bureaucratic handling of that hospital, military or veterans, or whether it is the administrative bureaucratic handling of the patient between the two systems, that we get it straightened out. We owe no less to the people who are sacrificing for this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. LOTT. 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.

Mr. LOTT. Well, Mr. President, here is one of my speeches I guess I am going to have to make every fortnight, but it is 6:20—it is on Thursday—and here we stand or mostly sit or hide and will not act on important amendments on this legislation because our colleagues will not come to agreement on some provision or another in the managers' package or some amendment.

I say to my colleagues, this is no way to legislate. If you have a problem, get over here and state it. If you have an objection, have the courage to stand up—be the man or the woman—and express your objection.

This is outrageous, and I am not blaming our leadership. It is not them. It is us. This whole bill has been a curiosity to me because I thought we were making good progress, and then we were not, and then I thought we were going to again, and now we are not.

So I tell you—it is not my authority to do so—but if I had the ability to wave a wand, I would say we are going to vote. If you don't like it, vote against it, but you are not stopping these amendments.

So I urge everybody involved—whether it is my colleagues on this side of the aisle or the other side—come over here and let's get going because we look pathetic when we do this sort of thing. It is just outrageous. We have votes we could take. We have two judges. Let's vote. Let's have a vote on the judges, and it will give us a chance to explain to our colleagues what the problem is with these other amendments.

So I plead with somebody: Pull the trigger. Let's have a vote. Then let's get some results around here. I am telling you, we all look bad. Did we not hear the American people? They want us to produce results. I have looked at these amendments. There is nothing wrong with any of these amendments. It is going to be injurious to the institution, to the Republicans and the Democrats. And, yes, I admit, I am outraged because I want to go home and be with my wife, have supper, and live a normal life. I would suggest some of our other colleagues do that. Maybe we could get a little more done around here and not look so bad in the process.

I want to say to the managers of the bill, I love them both, and I think they have been doing the very best they can. They are ready to go. So it is a disservice to Senator LIEBERMAN and Senator COLLINS, who have been managing this bill, which, yes, has problems, but we are never going to get them resolved, never going to get to a reasonable conclusion without actually having some votes.

When was the last time we had a vote around here? I can't even remember. Yesterday?

So Senator LIEBERMAN, I know you would like to get the show on the road. I support anything you want to do. If you want to just move the previous question, I am for that, or any other motion you want to make that would get the process started. A motion to table—that would be good. We could get going.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I say to my friend from Mississippi, first, I want to congratulate you on your normalcy; that you actually want to get home and have dinner with your wife. That is a very healthy thing to do.

Mr. LOTT. I know it is abnormal for Senators.

Mr. LIEBERMAN. No, I think it is normal. But I would say—I will yield to Senator COLLINS in a moment—that we, as managers of this bill, really appreciate what you have said because we started on the bill last Wednesday. We had some good, healthy debate on a series of amendments that went to the heart of what the bill is about. Frankly, those amendments are done.

Now this bill is ready to be adopted and sent to conference, and what has happened, as always happens, is people see a vehicle moving, and jump on it with related or unrelated amendments. Incidentally, of all the amendments filed, apparently only seven or eight are going to survive as germane, presuming cloture is invoked tomorrow.

So people get to be—well, they see a horse moving and they want to jump on. Also, then others get to be quite demanding and, might I say respectfully, occasionally unreasonable in blocking votes on the amendments. It is one thing to be against an amendment, but

let's come out, vote on it. You can have your say. The record will be established. But to block the amendment from coming up that then blocks this important bill—which most of us will support—from going forward, that does not make sense.

So I appreciate the Senator's exacerbation.

Mr. President, I yield to my friend, the ranking member of the committee.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, want to commend the Senator from Mississippi for putting forth a commonsense solution to the impasse in which we find ourselves. The Senator from Connecticut and I have been on the floor all day long. We have worked with our colleagues. We have come up with a group of amendments which we believe could be cleared by unanimous consent because they are not controversial. Yet can we clear that package? No. We cannot because even though there is no objection to the specific amendments in that package, they are being held up by Senators who want other amendments or are trying to ensure or block votes on other proposals.

We also came up with a set of amendments tonight—two Democratic amendments, two Republican amendments—that warrant rollcall votes. Two on each side, what could be fairer? Yet we cannot get rollcall votes.

If Members are opposed to amendments, come to the floor, debate them, and vote no, but do not prevent us from moving forward on a very important bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Maine and the Senator from Connecticut for their work. I admire them both so much.

Can I inquire, Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is Sununu amendment No. 291 to the substitute to S. 4.

Mr. LOTT. Parliamentary inquiry, Mr. President: Would a motion to move the previous question be a proper way to proceed?

The PRESIDING OFFICER. There is no such motion in the Senate.

Mr. LOTT. Would a motion to table be in order, Mr. President?

The PRESIDING OFFICER. A motion to table is in order.

Mr. LOTT. It is not my prerogative, but I am threatening it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. 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—EXECUTIVE CALENDAR

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request to offer, unfortunately not as large as I had hoped, but it may bring the Senators here to the floor and we could reason and go beyond this matter.

I ask unanimous consent that the Senate proceed to executive session to consider the nominations, Nos. 27 and 28; that the Senate immediately vote on the first nomination to be immediately followed by a vote on the second nomination; and that the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; and that there be 2 minutes for debate between the votes.

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

EXECUTIVE SESSION

NOMINATION OF JOHN ALFRED JARVEY TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA

Mr. LEAHY. Mr. President, who is the first nominee?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Mr. LEAHY. Mr. Presdient, today we consider the nomination of John A. Jarvey, who has been nominated for a seat on the U.S. District Court for the Southern District of Iowa. In his 18 years as a U.S. Magistrate Judge in the Northern District of Iowa, Judge Jarvey has built upon his reputation as is a well-respected attorney and former federal prosecutor and earned the bipartisan support of both home State Senators. I know Senator GRASSLEY, who has been a strong advocate for Judge Jarvey on the committee, will welcome his confirmation.

A native of Minneapolis, MN, Judge Jarvey received his B.S. in accounting from the University of Akron in 1978 and his J.D. from Drake University in 1981 before clerking for Judge Donald E. O'Brien in the Northern District of Iowa. After his clerkship, Judge Jarvey began his career as a trial attorney in the criminal division of the Justice Department from 1983 to 1987, working in the narcotic and dangerous drug Section before his appointment as a magistrate judge for the Northern District of Iowa in 1987. He is now the chief magistrate judge of that district. Since 1993, Judge Jarvey has also been trial advocacy instructor at Iowa Law School since 1993.

With his confirmation today, the Senate will have confirmed nine judicial nominations for lifetime appointments this year. That is more than half the total of confirmations for the entire 1996 session and we are still in February of this year. Of course, it was the Republican Senate majority that refused to proceed with qualified nominees and slowed consideration of President Clinton's nominations.

Indeed, one of the casualties of their pocket filibusters was an outstanding nominee from Iowa. Bonnie Campbell had served as attorney general for the State of Iowa and as the head of the Violence Against Women Office at the Department of Justice. Despite her qualifications and without any explanation, the Republican leadership in the Senate stalled her nomination for many months and then killed it. Hers was one of the more than 60 judicial nominations of President Clinton that Republicans pocket filibustered.

President Bush's nominations from Iowa have fared better in a Democratic-controlled Senate than President Clinton's did under Republican control. Judge Jarvey will be the third Iowa District Court judge confirmed while I have been chairman of the Judicial Committee. We also confirmed an 8th Circuit nominee from Iowa, Michael Melloy, when I was last Chairman.

I have long urged the President to fill vacancies with consensus nominees. After Judge Jarvey's confirmation, according to the Administrative Office of the U.S. Courts there will still be some 51 judicial vacancies, 25 of which have been deemed to be judicial emergencies. The President has sent the Senate nominations for only 22 of those seats, and has yet to send us nominees for 17 of the judicial emergency vacancies. That means two-thirds of the judicial emergency vacancies are without a nominee from this President.

I congratulate Judge Jarvey, his wife, and his three children on his confirmation today.

Mr. GRASSLEY. Mr. President, I urge my colleagues to support Judge John Jarvey, who has been nominated to serve as a U.S. district judge for the Southern District of Iowa. The Judiciary Committee unanimously approved Judge Jarvey some time ago, and I am glad that now we are moving expeditiously on his nomination.

I would like to give my colleagues a little background on this stellar nominee. Judge Jarvey comes from Cedar Rapids, IA. Since 1987, he has been the chief U.S. magistrate judge for the U.S. district court, Northern District of Iowa. He also has been a trial advocacy instructor at the University of Iowa Law School since 1993.

I received many letters from the Iowa legal community praising Judge Jarvey's judicial temperament, courteousness to litigants, and respect for and commitment to our judicial system. He has been praised for his judicial ethics and abilities as an administrator. Many letters commented on

Judge Jarvey's intelligence, command of the law and rules of evidence, and his fairness.

Judge Jarvey has been given a unanimous rating of ''well qualified'' by the ABA. I am confident that this man possesses the skill, integrity, commitment, intellect, and temperament that we expect of all good judges. So I urge my colleagues to vote in support of Judge Jarvey's nomination.

Mr. LEAHY. Mr. President, I know the nominee has been voted on unanimously by the Judiciary Committee and has the support of both Senators from Iowa. I support the nominee. I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is: Will the Senate advise and consent to the nomination of John Alfred Jarvey, of Iowa, to be U.S. District Judge for the Southern District of Iowa?

The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) 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. 67 Ex.]

YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

NOT VOTING—5

Cardin	Inhofe	McCain
Dodd	Johnson	

The nomination was confirmed.

Mr. LEAHY. Mr. President, I understand we have a second nomination now.

NOMINATION OF SARA ELIZABETH LIOI TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, today we consider the nomination of Sara Elizabeth Lioi for a lifetime appointment to a seat on the Northern District of Ohio. Hers will be the tenth judicial nomination for a lifetime appointment to the Federal courts that the Senate has already considered this year.

Judge Lioi has spent nearly 10 years on the Stark County Court of Common Pleas. I am sure Senator VOINOVICH, who appointed her to the bench when he was Governor of Ohio, will welcome her confirmation. I thank Senator BROWN for expediting his consideration of this nomination. This process works best when the White House consults with Senators from both sides of the aisle.

Judge Lioi received her B.A. from Bowling Green State University in 1983, where she graduated summa cum laude, and her J.D. from Ohio State University College of Law in 1987. She worked in private practice with Day, Ketterer, Raley, Wright & Rybolt Ltd. in Canton, OH, upon graduation from law school. Her practice included appellate and trial litigation and service as special counsel to Stark State College of Technology. She was elected a principal of her law firm in 1993 and stayed there until Governor Voinovich appointed her to the bench in 1997. Judge Lioi has been active in the judicial and legal community, serving on a statewide Board of Commissioners on Character and Fitness, the Supreme Court's Board of Commissioners on Grievances and Discipline, and the Supreme Court of Ohio Task Force on Rules of Professional Conduct.

With Judge Lioi's confirmation, we will have confirmed all the district court nominees left pending on the Senate's Executive Calendar at the end of the last Congress when Republican holds prevented us from confirming them all. We have worked hard to expedite these nominations through the committee and the Senate this year. I thank particularly the new Members for allowing us to proceed so quickly and congratulate Judge Lioi and her family on her confirmation today.

We have now proceeded with 10 confirmations even though the President did not renominate Judge Janet Neff for one of the many emergency vacancies that plague the Western District of Michigan. Last year the Senators from Michigan had worked with the White House and the President had proceeded to nominate her. The Democratic members of the committee cooperated to expedite her consideration along with others. Last September 16, we held a confirmation hearing for her and other nominees on an expedited basis and the committee sent them to the Senate without a single objection on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership of the Senate stalled these nominations and, in particular, the President's nomination of Judge Janet Neff. After the Senate session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. He later sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

Could it really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans?

I do not know why the President has not chosen to renominate Judge Neff. The situation in the Western District of Michigan is quite dire. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads. Judge Bell is the only active judge. Senator BROWNBACK, who raised concern about the burdens falling on senior judges in his home State, should be sensitive to the dire situation in the Western District of Michigan exacerbated by his hold.

I have long urged the President to fill vacancies with consensus nominees, particularly for those determined to be judicial emergencies. According to the Administrative Office of the U.S. Courts, after Judge Lioi's confirmation, there will remain 50 judicial vacancies, 25 of which—more than half—have been deemed to be judicial emergency vacancies. Of those 25 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President. That includes the judicial emergency vacancy that Judge Neff should have filled months ago but for another Republican pocket filibuster.

Mr. President, I yield back the remainder of my time. I see the ranking member on the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, thank you for allowing me to speak on behalf of a very deserving person from the State of Ohio, as the Senate considers her nomination to the Federal bench. I am here to express my strong support for Judge Sara Lioi, who the President has nominated to serve on the U.S. District Court for the Northern District of Ohio.

Judge Lioi has a distinguished and impressive record as an attorney in private practice, as an Ohio Court of Common Pleas Judge, and as a community leader in Stark County, Ohio, where she has deep roots.

A native of Stark County, Judge Lioi graduated from GlenOak High School and from Bowling Green State University, where she graduated summa cum laude and earned the distinction of Phi Beta Kappa.

Later, Judge Lioi went on to attend my law school alma mater, the Moritz College of Law at the Ohio State University, receiving her law degree in 1987. After graduating from law school, Judge Lioi joined the law firm of Day, Ketterer, the oldest law firm in Stark County, Ohio, as an associate. Judge Lioi was later recognized by her colleagues when they elected her to the firm's partnership in 1993.

As an attorney, she represented individuals, schools, and other institutions of higher learning, cities, small businesses, and multinational corporations. While in private practice, she represented clients at both the trial and appellate levels.

In November 1997, when I was Governor, I appointed Judge Lioi to fill a vacancy on the Stark County Common Pleas Court. Since then, Stark County voters have twice reelected her.

Since ascending to the bench, Judge Lioi has disposed of over 9,500 cases and conducted over 350 trials, over 335 of which were jury trials. In sum, she has broad courtroom experience, both on and off the bench. This extensive experience will serve her well as a Federal trial court judge.

Judge Lioi has also earned the respect of her colleagues and fellow attorneys. During her time as a practicing attorney, she served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline, and for over 10 years, Judge Lioi has served on the Supreme Court of Ohio Board of Commissioners on Character and Fitness, including the last 5 as the Chair of this Commission.

I believe her service on these important commissions evidences the high esteem in which members of the Ohio bar hold her, and is testimony of her excellent character.

Judge Lioi's legal credentials are not the only reasons I support her nomination. Today, too many people do not take the time to become involved in their communities; however, Judge Lioi remains involved in a number of civic organizations. A graduate of Leadership Stark County, she has remained active with that program, as well as other not-for-profit community agencies, including Community Services of Stark County, Stark County Humane Society, Walsh University Advisory Board, and the Plain Local Schools Foundation. We need judges who not only have exceptional legal skills, but who also recognize how the law impacts individuals and communities, and involvement in one's community facilitates this understanding. Judge Lioi has this understanding because she is participating in her community every day.

As a result of Judge Lioi's fine academic and professional achievements, I am not surprised that the American Bar Association unanimously found her well-qualified to serve as a Federal district court judge.

In reviewing Judge Lioi's academic and professional record, it is clear that she is well-qualified to serve as a judge on the U.S. District Court for the Northern District of Ohio, and I urge my colleagues to vote to approve her nomination to the Federal bench.

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

Mr. LEAHY. Mr. President, I am willing to have a voice vote if nobody wants a rollcall vote.

Mr. VOINOVICH. I agree that we can have a voice vote.

The PRESIDING OFFICER. All time has expired. The question is, Will the Senate advise and consent to the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. REID. Mr. President, there will be no more votes tonight. We are working to try to come up with a schedule tomorrow. As soon as we have one, everyone will be notified.

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.

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

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

Ms. LANDRIEU. Mr. President, I rise for the purpose of speaking about two amendments. I wish to say that I really appreciate the efforts of the Senator from Connecticut and the Senator from Maine, who have literally been on this floor all day. As you can tell, the Senator from Maine has been struggling with a cold through the week. She has been as brave as she can, trying to get this important bill passed even though she doesn't feel at her best. The Senator from Connecticut has been working hard.

For some reason, we just can't seem to get a vote on two amendments that are very important to Louisiana. These amendments have been cosponsored by Senator VITTER, of course, from the State of Louisiana, and myself. Both of these amendments have been cleared on the Democratic side now for some time. We continue to have opposition, and we are not even sure where the opposition is coming from because the person who is holding it or the reasons cannot be made clear publicly, so I am not exactly sure what the opposition is to these two amendments.

I thought, while we were pondering about what to do, I would just talk again about what these amendments do and why they are so important.

AMENDMENT NO. 295

The first amendment is amendment No. 295, which has been pending for 2 weeks. I understand some colleagues may want to vote no. That most certainly is their prerogative. I bring this amendment to the floor with many cosponsors, Democrats and Republicans, but it is being held up on the Republican side tonight. It has been cleared on the Democratic side.

This amendment is to allow a waiver of the 10-percent match that has been required of Katrina and Rita recovery efforts. The reason we are asking that, as this board very dramatically shows, is the scale of this disaster is so far above any disaster, natural or otherwise, that we have experienced in this country that without this relief, the recovery is in jeopardy. That is not just because of the amount of money that has to be put up by local governments that are struggling to literally barely keep the lights on but also because of the redtape involved in this required match.

I understand the principle of a match. In principle, I agree that when you have a disaster, the local area and the State should put up some money and the Federal Government should

pick up the bulk of it. That is normally what is done. But as you can see here, for Hurricane Andrew, which was the most expensive storm prior to Katrina and Rita, the per capita impact was $139. The per capita impact was $139 for Hurricane Andrew. In the World Trade Center attacks, which, of course, were not a natural disaster but a terrorist attack, it was $390 per capita. But for Hurricanes Katrina and Rita, the first and third most costly storms in the history of the Nation, the per capita hit to Louisiana is $6,700. That is to say that, literally, this storm is off the chart. We have never attempted to recover from a disaster such as this, and the tools we have are insufficient. They were insufficient the day before the storms hit. They were insufficient the day after the storm hit. Eighteen months later, they are still insufficient.

We have made some progress but not nearly enough progress. It is not just the amount of money, which is a staggering amount—$110 billion—but most of that money, because it was sent through poorly designed bureaucracies, never reached the end. Part of it was siphoned off by contractors who made huge profits at the expense of the victims of the storm. I can go on and on. There have been well-documented failures.

The bottom line is the recovery is still underway, and it is being hampered tonight—today—because this 10 percent match is being required. It is our State's No. 1 request of this Congress, and it is justified. It has been done in the past. It was done for Hurricane Andrew. It was done for the World Trade Center attacks. Why would anyone on the Republican side of this Senate tonight hold up an amendment that would give us the same coverage or same treatment? Not any more. We are not asking for anything more than what has been done—for Louisiana and for Mississippi and for Florida, which were extremely hard hit in the last hurricane seasons.

We have over 23,000 project work orders pending. Every one of those project work orders in all of the parishes and counties that were hard hit—23,000 is a lot of requests—every single one needs to have a 10-percent match, which requires certain reviews. Sometimes they are done by one Federal agency. Sometimes they are done by another Federal agency. It is slowing down the recovery. Every day this recovery is slowed down, every day this redtape persists—it is normally a nuisance. Normally, redtape is a nuisance in normal, regular life in America. In the gulf, it is a noose. It is strangling people. It is sucking the life out of them.

We cannot rebuild under these conditions. The storm was too great. The disaster was too big. The damage was too broad. We are not saying we can't rebuild and are not willing to use some of our own money, but we cannot come up with this 10 percent match, particularly under the conditions which the current law requires. It must be changed. As I said, the tools that were given to us are insufficient. I promise, as sure as I am standing here, when this 10 percent is waived and these projects go forward and the gulf coast rebuilds, the taxes generated from this region will more than pay back the money that has come to us over time.

This storm, hopefully, will not hit again for another hundred years or 50 years. There are 50 years of good work and a hundred years of good work. By that time, we will have a lot of our wetlands and levees rebuilt. So it is in some ways like a temporary loan, if you will, to over 30 million people who live in the gulf coast, to say: We believe in you, we know you can rebuild, we know you can create these jobs, so get about the business of doing it, and the country will benefit in the long run.

That is what one of the amendments does. For some reason—I want to make it perfectly clear tonight, this amendment has been cleared on the Democratic side—It is being held up. I don't know why or by whom.

I thank Senator COBURN publicly because he had some concerns about this amendment but, with a very appropriate modification to the amendment which says that this loan forgiveness will sunset 2 years after it goes into effect— he had some objection to it going on indefinitely. Senator VITTER and I accepted that amendment to this amendment. So his objections have been met.

Senator SESSIONS had some concerns. His objections have been met.

There is some other hold on it. I just wanted to speak publicly, again, about the importance of getting this 10 percent waived. Again, it was done for Hurricane Andrew and it was done for the World Trade Center towers. You can see the scope of this disaster for the people of the gulf coast.

AMENDMENT NO. 296

The second amendment, briefly, which is an amendment I offered with Senator VITTER and others—and we have Republican and Democratic colleagues on this amendment—is a loan forgiveness amendment. This is a very touchy point for us on the gulf coast. I wish I had this list blown up. I do not. Of course no one can read it because it is too small to be seen, but we will get it blown up as soon as we can.

What I am holding here is a list of loans that have been taken out. This is just for Louisiana, but there is a Mississippi list just like this. There are community disaster loans that are taken out, like for the city of Harahan, the city of New Orleans, St. Bernard Parish, St. Bernard Parish School, Cameron Parish, which was almost totally destroyed. Of course, when these parishes are almost totally destroyed, they cannot go to banks to borrow money. No bank will lend it to them. The only people they can borrow from is themselves—the Federal Government. We lend money to communities all the time, and we lend money to them under longstanding practices. This has been going on way before I got to the Senate—for decades. Sometimes those loans are forgiven, and sometimes they are not forgiven. It is up to the administration, the agency, to evaluate. If you can repay the loans, then you repay them. If you can't, you do not.

Last year, or 18 months ago, when we had this tragedy happen to us, under the last Congress we had many Republicans who supported our effort but not quite enough because there was a group in the House, led by sort of a conservative caucus over there, that said this: We will lend you money, but we are taking away your right to have repayment waived even if you deserve to have it waived. Even if your situation is worse than that of anybody else we have ever seen, we are removing that right.

I objected then; I did not think it was right. But we were voted down. So we have lived under this new rule, which was made only for Mississippi and Louisiana, because when the act was passed 18 months ago, over my strenuous objection, everything in the future could be forgiven, everything in the past had the option to be forgiven, but for the good people of Mississippi and Louisiana, for some reason we were carved out, to say: We will lend you the money, but you will pay it back no matter what. I objected to it then, and I object to it tonight.

The amendment Senator VITTER and I have submitted is to just put us back where everybody else is—not any more, not any less. Just give us the option to have these loans forgiven. Many of these loans will be paid back. They are substantial loans. Some of them are $120 million, some of them are $2 million, some of them are $22 million. Some are just $100,000 loans, depending on what a sheriff or school board needed. But, again, this disaster was unprecedented in American history. Many of these loans will be paid back, but that is for the administration to decide. If they believe these entities in Mississippi and Louisiana cannot repay these loans, then they will waive them. But under the current laws, as passed in the last Congress—particularly driven by a group on the House side—that forgiveness option was removed.

The two amendments are to waive the 10 percent, which we think is justified—more than justified—by this chart and many other facts that have been submitted to the record—and to go back to the regular routine law that says: If you borrow money you, of course, must pay it back. But if you cannot, we retain the option to forgive you. That is all we are asking for Gulfport, for Biloxi, for Pascagoula, for New Orleans, for Cameron, for Creole, for little cities—Thibodaux and Houma and cities that have borrowed money that might be able to pay it back, but then again they might not.

For the millions of people who live on the gulf coast, we may not be a fancy coast like the east coast or the west coast, but we are a working coast, and we are proud of it. We are fighting hard to come back, and we are contributing as much money as we can to the effort. People are working hard—wealthy, middle-income, and poor people, Black and White, Hispanic and Asian are working hard to come back.

We cannot come back if the rules keep changing for us. If the hurdles get higher, we cannot jump them. Leave them the same as everyone else, and we will be happy to rebuild our communities. We are building them stronger and smarter than ever before.

But when you have had most of your schools destroyed, most of your libraries destroyed, most of your universities damaged, it is an unbelievable situation to have to come back from. I know we have some work to do on many items. But at least the Federal Government can keep the rule book the same for everybody. We are happy to play by those rules.

On behalf of the people I represent, I strongly object to these new rules that are placed on us, for taking away options that others have enjoyed and used for their benefit. I am reminded of the disaster in North Dakota, Grand Forks. I did not visit North Dakota, but I have heard a lot about it. I have read about it.

That town of 50,000 was just about destroyed by the water that came through. Because there was a little different attitude in Washington, Grand Forks has been rebuilt. It is bigger than it was. It is stronger than it was. The people have their jobs back. That is what the Federal Government is about. The Federal Government should have the same attitude with the people in Louisiana and Mississippi in our time of need.

We most certainly can afford this after spending $400 billion helping 23 million people who live in Iraq achieve democracy. We most certainly can support 30 million people to keep the democracy they have and have had for 226 years.

I hope tomorrow morning, when I come back to this floor, these amendments have been cleared on the Republican side of the aisle. If not, at least the person who is holding it up will have the guts to come to the floor and debate me on it and let us have a vote. I am happy to have a vote. I am happy to debate. If my colleagues, after hearing this, say: Senator, you are just wrong, the facts are not on your side, then I am fine. I would lose the vote.

But please let the people of Louisiana and Mississippi have a chance. That is why I guess we are stopped, because we cannot get a vote on these two amendments. They are not that complicated. I think people understand them. I hope we can get these two amendments passed. If someone has strong objections, I am happy to stay here tonight to debate. I will come early in the morning. I will stay all weekend. I do not have to go anywhere this weekend. I am happy to stay and talk about it for as long as I need to.

I tried to speak about it privately with my colleagues. Now I am doing it rather publicly. I wanted to express that and let people know all the facts as I know them. I hope we can get these amendments voted on sometime tomorrow.

I yield the floor.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

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

IRAQ RECONSTRUCTION

Mr. ENSIGN. Mr. President, I rise today because a daunting task lies before us in Iraq. That task is the reconstruction of a war-torn and bruised nation. Let's put the battle over a troop surge or increased funding aside and join together in a strategy to one day leave Iraq, a free Iraq, in a place better than we found it. And not better by our standards, but better for the people and future of Iraq.

Last week, a group of airmen from Nellis Air Force Base in my hometown were recognized with Bronze Stars for their courageous efforts in Iraq. As part of an Explosive Ordnance Disposal team they have done remarkable work saving lives. CAPT Brian Castner was awarded the Bronze Star after a 6-month tour—his third tour in Iraq. His wife, Jessica, said of his mission:

> My grandparents fought in World War II and, because of that, Japan is our friend. And we just hope and pray at night that 30, 50 years from now that for our children and our grandchildren that Iraq will be our friend, and if his efforts today keeping people safe does that, it makes every sleepless night worth it.

If we are going to succeed at making a future friend and ally out of Iraq, then we need a new direction forward. Our new military strategy must be paired with a new reconstruction strategy in order to cool off the vitriolic hatred and violence that has consumed Iraq, and this new direction must be based on realistic goals.

When we first liberated Iraq from the brutal dictatorship of Saddam Hussein, we were disgusted by the ruler's palaces and extreme wealth in contrast with the deplorable conditions of those he ruled. We were anxious to give the Iraqi people all that they had lacked. While our intentions were good, our expectations were unrealistic and our performance failed to deliver.

We looked to build a self-sufficient democratic nation in the Middle East with an accompanying civil society, responsible and just court system, representative government, responsive police units, a respected, and a protected border. We wanted to create a model to which people of other states in the region could aspire.

In hindsight, we should not have imagined that building a democracy would be so simple. It never has been. We simply did not have the strategy and tactics properly prioritized, maybe building the roof before the foundation. It is no wonder why our efforts were unsuccessful. But it is not too late to regroup. A great deal depends on our new direction being successful.

Our policy needs to change from lofty aspirations to a focus on providing, as a minimum, the basic services that were available during the Saddam Hussein era. At the same time, we need to communicate that we are laying the groundwork for future opportunities that were unimaginable under that barbaric regime. We need to redirect our efforts to vital services such as water and waste water systems, irrigation canals, and a reliable electricity supply. Concentrating our resources on improving everything simultaneously is foolish and ends up being far less efficient. The laundry list of what we initially tried to accomplish in Iraq is what scholar Amitai Etzioni calls a ''scattergun approach.'' We tried to do too many things at once, and did none of them really well. Instead, Mr. Etzioni suggests, we need a ''triage'' approach. We need to make services such as water, sewers, and electricity a priority. We work on them until they are successfully completed, and then we turn to the next project. While the building of banks and schools are important, if Iraqi families can't get running water in their homes or more than a few hours of electricity a night, why should they trust us? The less tangible gifts of a free democratic system are meaningless to a mother caring for her sick child in the darkness.

While our priorities have been part of the problem, our attitude may have also been a source for our difficulties. A Marine reservist from Nevada, Jon Carpenter, who served two tours in Iraq and whose brother is there now, told me about the approach taken by those around him to the Iraqis. ''Sir, this is your country. What problems do you see that need to be addressed and what can I do to assist you in these problems,'' they would ask. ''I may have some monetary resources coming, some people with skill sets to help you, and my time and energy to make the solutions happen. Where would you like to begin?''

If it had been the policy of all our military leaders on the ground to give that kind of deference to the local Iraqis, we may have been able to build a greater deal of good will and success. And don't get me wrong, our men and women in uniform have made tremendous progress in Iraq. They have worked tirelessly and have been committed to the cause, but we need to understand the importance of successfully delivering the most basic services to the Iraqi people as part of their path to self sufficiency. It will also create a situation where there is no tolerance for insurgents or their efforts to destroy what belongs to the Iraqi people.

In order for the Iraqi Government to become self-sufficient, Iraq's potential

for producing oil also must be realized. Currently the Iraqis are producing roughly 2.1 million barrels of oil a day. This is down from the 2.5 million barrels of oil a day produced during the previous regime. We need a plan that will reliably deliver 3 million barrels a day. At $60 per barrel, the incremental 900,000 barrels per day generates nearly $20 billion per year. This would go a very long way toward funding many of the improvements that are mandatory to stabilize the situation in Iraq.

As report after report indicates, one of the challenges to building Iraq's oil revenues has been insurgent attacks against oil infrastructure. As Senator CLINTON and I wrote in the Wall Street Journal, we believe a distribution of revenues to all Iraqis through an Iraq Oil Trust would mean they would have a greater incentive to keep the oil flowing, help the economy grow, reject the insurgency, inhibit corruption and commit to the future of their nation. An Iraq Oil Trust, modeled on the Alaskan Permanent Fund, would guarantee that every individual Iraqi would share in the country's oil wealth. Oil revenues would accrue to the national government and a significant percentage of oil revenues would be divided equally among ordinary Iraqis, giving every citizen a stake in the nation's recovery and political reconciliation and instilling a sense of hope for the promise of democratic values.

I know there are plans that distribute the oil revenues to the different provinces, but I firmly believe that each Iraqi citizen must receive a share—it means a path to opportunity for these people. With that share, an Iraqi citizen can make money, invest in a business, use it for collateral for a home, or build savings. With that share in an Iraq oil trust comes hope for the future.

There is still reason to hope for success in Iraq. Our new military strategy is showing progress on the ground, but we must continue to give our men and women in uniform the tools they need for the monumental task at hand. A focused plan for ''triage'' in the reconstruction of Iraq, coupled with a strong military strategy, will boost our credibility and secure Iraq for their future and for ours. If we don't succeed on the battleground and in the reconstruction efforts, we risk creating an enemy state that will be a safe haven for terrorists and a grave threat to generations of Americans.

Instead, let us work together to ensure that 50 years from now, our friendship with the people of Iraq will be thriving. We owe it to our brave men and women, like Captain Castner, to make that vision a reality.

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. 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

PENNSYLVANIA ANTI-CRIME AND YOUTH INITIATIVE

Mr. SPECTER. Mr. President, youth violence is an enormous problem across America, including Pennsylvania. Regrettably, the city of Philadelphia had more homicides last year than any major city.

This is a problem that has been present in major American cities, and Philadelphia specifically, since the days when I was Philadelphia's district attorney. A great number of those homicides are related to youth violence.

On January 19 of this year, I convened a meeting that was attended by Mayor John Street; District Attorney Abraham; U.S. Attorney Pat Meehan; and representatives of Governor Rendell, with whom I discussed the matter specifically. There was a followup hearing attended by Senator CASEY and myself on February 19, where we addressed the subject with a focus on trying to find mentors for these at-risk youth.

We are searching for long-range solutions to the crime problem, the underlying causes of crime—which is obviously very complicated and very long term—such as education, training, job training, decent housing, and a whole host of factors that lead to crime. It is a matter I have been working on for decades, since my days as an assistant district attorney in Philadelphia. Regrettably, we don't seem to be much further along on attacking those underlying causes of crime, or dealing with the problems of criminal recidivism, after people are released from jail. It is no surprise that if we release a functional illiterate from jail, they will go back to a crime of violence. Without being able to read or write and not having job training, there is a very high degree of recidivism. We are trying to push the so-called second offender law to give people rehabilitation after the first offense.

Senator CASEY and I believe that addresses the issue in the short term, but it is not the answer, because there is no absolute answer. However, short-term help could be provided if we could find mentors to team up with at-risk youth on an individual basis. Many of these at-risk youth come from broken homes and have no parental guidance. If there could be a mentor, or ''substitute parent,'' in the short term, I think that could be helpful.

We have also worked with the superintendent of schools of Philadelphia, on some ideas he has about trying to give motivation to high school students, to put them on a path of going to college. We are working to have some early determination from the many colleges and universities in the Philadelphia area, to try to encourage these young people to be motivated to finish high school with the prospect of college.

Regarding the mentoring program, we are asking the universities also to see if they can provide mentors from their student body or faculty and, in the case of students, to give them course credit. We reached out to the athletic teams in Philadelphia, including the 76ers, the Eagles, and efforts are being made to include the Philadelphia Phillies as well, because it is well known that young people are interested in role models and might be willing to follow that lead.

We have also moved forward on trying to improve the situation in the city of Reading, which has been designated as the 21st most violent city in the United States. Toward that end, on February 23, with the cooperation of one of Reading's leading citizens, Al Boscov, we convened a meeting with the U.S. Attorney's Office, the FBI, the Alcohol, Tobacco and Firearms, the Drug Enforcement Agency, the State police, the local chief of police, the local sheriff, the school superintendent, and with citizens to again look at the crime problem. We intend to follow up in Reading to try to get additional personnel to assist that city, because it is, as I said, the 21st most dangerous city in the United States.

We have similar meetings planned for Lancaster and York next Monday, on the 12th. We also intend to go to Allentown and other cities. In Pittsburgh, we plan to convene a meeting on April 5, looking for ways to bring more Federal resources to bear on this crime problem. We are looking to the upcoming budget to try to provide more funds, similar to the $2.5 million grant we obtained for the U.S. Attorney for the Eastern District of Pennsylvania to service the corridor from the Lehigh Valley through Reading and through Lancaster.

I ask unanimous consent that a statement be printed, with understanding that there will be some repetition in the written statement of what I have presented extemporaneously.

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

SENATOR ARLEN SPECTER—PENNSYLVANIA ANTI-CRIME AND YOUTH VIOLENCE INITIATIVE

Mr. SPECTER. Mr. President, I seek recognition to discuss my recent efforts to address the crime and youth violence issues facing cities in the Commonwealth of Pennsylvania. Pennsylvania is making great strides in revitalizing its cities through economic and community development. Unfortunately, the same cities that are investing substantial human and economic capital in revitalization efforts are also facing increased levels of crime. For example, Philadelphia had the highest homicide rate of all

large cities in the United States in 2006—406 murders in one year. The smaller city of Reading was ranked as the 21st most dangerous in the Nation, and the most dangerous city in the state of Pennsylvania. Cities across the state are experiencing disturbingly high levels of youth involvement in crime and gangs—an average of 15 young people between the ages of 10 and 24 are murdered every day in the state of Pennsylvania. The cost of crime to victims, neighborhoods, and communities across America is staggering: at a September 19, 2006 Senate Judiciary Committee hearing, economist Jens Ludwig estimated that the pecuniary and non-pecuniary costs of crime amounted to approximately $2 trillion nationwide per year, or 17 percent of the GDP.

I have sought to examine the nature of crime and youth violence in cities across Pennsylvania by convening stakeholder meetings among Federal, State and local elected officials and leaders in the fields of law enforcement and crime prevention. These meetings have provided an avenue for understanding the nature of local problems, provided a constructive forum for discussing ongoing law enforcement and prevention efforts designed to combat these problems, and created an opportunity to discuss ideas for innovative solutions moving forward.

On January 19, I held a roundtable discussion in Philadelphia at which Mayor John Street, District Attorney Lynne Abraham, United States Attorney Pat Meehan, Philadelphia School District Chief Executive Officer Paul Vallas, and other leaders in the community discussed innovative solutions to the youth violence problem in the city of Philadelphia. We discussed the idea of bolstering mentoring efforts in the city of Philadelphia—an approach I find very promising. Research shows that children with the positive influence of an adult mentor in their lives are significantly less likely to start using drugs and alcohol or to be violent, and are more likely to be productive in school and to have healthier peer and family relationships. Following our meeting in Philadelphia, I have encouraged the participation of volunteers from Philadelphia area businesses, colleges and universities, and professional sports teams, including the Eagles, the 76ers, and the Phillies, in a citywide mentoring initiative. Volunteers from those organizations will be working in cooperation with the United Way and Big Brothers Big Sisters of America, with whom we have partnered to ensure that volunteers have the training and support they need to form successful mentoring relationships.

On February 23, I held a roundtable discussion in Reading, PA, at which Representative Joe Pitts, Representative Jim Gerlach, and I discussed the collaborative efforts of State, local, and Federal law enforcement with United States Attorney Pat Meehan and representatives from the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the United States Marshal, Immigration and Customs Enforcement, the Pennsylvania State Police, Reading City Police, and Berks County Sheriff's Department. The discussion capitalized, in part, on the previous efforts of community leader Albert Boscov, who has been hosting an ongoing working group focused on anti-crime issues in Reading. Our dialogue focused on the most effective and efficient methods of keeping the streets of Reading and surrounding neighborhoods safe. Presently, the largest Federal presence in the area is the Anti-Gang Initiative focused on the ''222 Corridor'' between Allentown and Lancaster—which has provided a $2.5 million grant to facilitate a collaborative Federal, State and local response to the gang-related drug and gun trafficking in the area. The initiative, which focuses on criminal law enforcement, prevention programs to steer kids away from criminal activity, and reentry programs to assist those returning from prison to integrate back into society, is already making headway into the gang problems in the area. Despite this progress, Federal, State and local law enforcement officers conveyed to me and to Representative Pitts and GERLACH the continuing need for more resources in order to get more cops out on the street.

I remain committed to ensuring that State and local law enforcement receive the support that it needs. I will be working with Federal law enforcement agencies to ensure that existing programs are meeting the needs of the communities in the Commonwealth of Pennsylvania and across the United States. I also plan to hold similar meetings in York, Lancaster, Allentown, Pittsburgh and other Pennsylvania cities in the coming months.

As the Senate moves forward in the 110th Congress, there are a number of important legislative items focused on crime prevention that demand our attention. The Juvenile Justice Act, which was most recently authorized in the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107–273) is due to be reauthorized this year, and I will be working to ensure that Juvenile Justice programs are reauthorized in the form that most effectively and efficiently handles the challenges of youth violence and delinquency. The Recidivism Reduction and Second Chance Act, which I will be introducing with Senators Brownback, Leahy, and Biden, will provide essential reentry services to prisoners in order to reduce recidivism rates, keep former offenders productively engaged in society, and keep our streets more safe.

We must do everything we can to ensure that the Nation's youth receive the assistance they need to develop into productive, healthy adults and to protect our citizens from being victimized. I look forward to making a renewed commitment toward coordinated law enforcement and prevention efforts in the 110th Congress.

AMERICA COMPETES ACT OF 2007

Mr. REID. Mr. President, along with the Republican leader, Senator MCCONNELL, I have introduced the America COMPETES, Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science, Act of 2007.

This legislation is the result of a truly bipartisan effort. Two years ago, Senators BINGAMAN and ALEXANDER asked the National Academies to make recommendations on the steps we should take as a nation to maintain our competitive advantage. The result was the Augustine Report, ''Rising Above the Gathering Storm,'' which provided four primary recommendations:

First, the United States needs to dramatically improve K–12 science and mathematics education in order to increase our talent pool. Second, we must sustain and strengthen our Nation's traditional commitment to long-term basic research. Third, we must make the United States the most attractive place to study and perform research. And fourth, we need to provide incentives for innovation and long-term investment so that the United States is the premier place to innovate.

The report warned that the Nation's traditional advantages ''are eroding at a time when many other nations are gathering strength,'' and that ''decisive action is needed now.''

America has faced this challenge before.

In 1957, when the Soviets launched Sputnik, it caused great panic and concern about our ability to maintain our technological superiority. We responded to these threats quickly. The following year, Congress passed the National Defense Education Act, to keep the United States ahead of the Soviets through increased investment in math and science education.

We trained a whole new generation of engineers and scientists, and thus ensured our preeminence in technology and innovation for a generation.

That fact is, Federal investment in the basic sciences and research has long been a critical component of America's competitive dominance globally. In fact, some economists have estimated that about half of the country's economic growth since World War II has been the result of technological innovation.

Today, however, our position of dominance has been lost. We are challenged by emerging countries like India and China, where national investment in basic research and subject areas such as math and science continues to grow at a far greater pace than here in the United States.

The Augustine panel cited many examples, but some of the statistics are striking.

Consider that in 2005, more than 600,000 engineers graduated from institutions of higher education in China, compared to 350,000 in India and only 70,000 in the United States. China's population is more than three times that of the United States, yet they graduate more than eight times the number of engineers.

The report also found that American 12th graders performed below the international average for 21 countries on general knowledge in math and science. Another study cited in the report had American 15-year-olds ranked 24th out of 40 countries on a math assessment. In my home State of Nevada, the situation is equally alarming, with our students ranked 43rd in the Nation on a 2005 math assessment.

And even though technological giants like Microsoft, Apple, and Intel are American companies, the report indicates that the United States is now a net importer of high technology products—a shift from the early 1990s, when we had a $54 billion surplus in high-tech exports.

As other countries become more competitive, it is clear we must refocus our energies on enhancing the Federal commitment to funding basic research and education.

We must preserve the competitive edge of the United States in science

and technology by getting kids motivated to study math and science. To do this, we need to provide more training for math and science teachers, increase the number of students taking advanced placement courses, offer grants to establish high schools that specialize in math and science, and provide scholarships and fellowships for future scientists and engineers.

The legislation we are introducing today addresses some of these concerns. It is, in effect, a downpayment, a modest first step to ensuring that America retains its competitive edge.

I wish to thank Senators BINGAMAN and ALEXANDER for authorizing the Academies Study. This study, along with a number of recent reports and books—among them, Tom Friedman's ''The World is Flat,'' which I know that many of my colleagues have read—brought a much-needed sense of urgency to this issue.

Many of these provisions were included in the Protecting America's Competitive Edge Act, or PACE, which Senators BINGAMAN and DOMENICI introduced in the last Congress, and I was pleased to cosponsor that important legislation.

I also want to recognize the hard work of a number of my colleagues, Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, HUTCHISON, and Senator NELSON of Florida, who have been instrumental in crafting this legislation.

The legislation that we are introducing will double the Federal investment for the National Science Foundation over the next 4 years, and for the Office of Science at the Department of Energy over the next decade.

America COMPETES will create a DARPA-modeled research project at the Department of Energy and increase investment for basic research at NASA and other science-related Federal agencies.

The bill provides grants to States in order to better align elementary and secondary school curriculum with the knowledge and skills needed for the global economy. Nevada is already doing something similar, with our State P–16 Council.

The legislation will strengthen our math and science teaching workforce by recruiting and training teachers to teach in high-need schools.

America COMPETES will expand the important Advanced Placement and International Baccalaureate, IB, programs by increasing the number of math, science, and foreign languages AP and IB courses, and preparing more teachers to teach these challenging courses. This is essential for States such as Nevada, where only 6 percent of 12th graders took the AP calculus exam and only 7 percent took an AP science exam.

The bill will help develop an infrastructure for innovation by establishing a President's Council on Innovation and Competitiveness to promote innovation and competitiveness.

Also, this legislation will help improve math instruction at the elementary and middle school level, through Math Now grants.

If signed into law, our bill will do many of the things that the Augustine Report recommended, but the truth is, in years to come, we will have even more to do.

Though we make new and significant investments in research, we still must address our tax structure and make sure that we do as much as possible to encourage investment in research and development. We should start by finally making the R&D tax credit permanent.

We must also do more in education. This bill strengthens educational opportunities in science, technology, engineering, math, and critical foreign languages, but this is just a first step. For example, we must take a very hard look at our high schools. As Bill Gates has often said, our high schools were designed for a 20th century economy and often do not address the needs of the 21st century workforce.

We should also realize that unless our most basic commitments to America's students are met—by properly funding title I and No Child Left Behind and making a college education accessible and affordable—these efforts alone cannot prepare our students for the global economy.

Mr. President, Senator MCCONNELL and I began the 110th Congress by promising a new spirit of bipartisanship. Of course we have had our differences on some issues, but I hope that, in jointly introducing this important legislation, we send a signal that investing in America's future is not a partisan issue.

The America COMPETES Act is an important first step in maintaining this Nation's competitive advantage, and I look forward to working with my colleagues to ensure that we follow through on the investments we are making in this legislation.

TRIBUTE TO DR. SUSAN LINDQUIST

Mr. REID. Mr. President, it is with great pleasure that I recognize Dr. Susan Lindquist for her cutting-edge work in the field of medical research. Dr. Lindquist's research today has the potential to lead to future cures for some of the most devastating illnesses we face. Her work has attracted national recognition, and next month Dr. Lindquist will be honored as Desert Research Institute Medal Recipient in Nevada. I would also like to thank the Desert Research Institute for their continued commitment in recognizing the best and brightest in our scientific and engineering communities.

Dr. Lindquist has a diverse background of experience in the medical field. She is a member and former director of the Whitehead Institute. She is also a professor of biology at the Massachusetts Institute of Technology, as well as the Albert D. Lasker Professor of Medical Sciences at the University of Chicago. Dr. Lindquist has been acknowledged by several institutes, including being elected into the prestigious Academy of Arts and Sciences in 1997.

Her life work in the medical field is nothing short of extraordinary. Potential cures for Parkinson's disease, Alzheimer's, and many neurodegenerative diseases lie in the most fundamental building blocks of the human body—our proteins. Lindquist and her colleagues have made it their professional mission to understand how long strands of proteins fold to create intricate shapes or misfold and clump together. In her work, Dr. Lindquist found that when proteins misfold, they can contribute to cystic fibrosis, Alzheimer's, and even mad cow disease. Dr. Lindquist and her team have studied this exciting line of research so that we can better understand these diseases and hopefully develop new treatments.

Dr. Lindquist's work has led to stunning medical breakthroughs in medicine, biology, and bioengineering. But the true impact of her work is felt by mankind. Today millions of Americans across Nevada and our Nation who suffer from neurodegenerative diseases have hope. Cures for some of the most debilitating diseases are on the horizon as a result of Dr. Lindquist's work.

Again, it is with great pride that I recognize Dr. Susan Lindquist before the Senate. She is a deserving recipient of the Nevada Medal for her extraordinary work. I look forward to her continued accomplishments in this important field.

A MESSAGE FROM IRAQ

Mr. WARNER. Mr. President, I rise today to recognize the superb contribution of the thousands of men and women deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The following e-mail, forwarded to my office by family members of a naval officer serving in Iraq is indicative of the fighting spirit and considerable sacrifice that members of the armed services are making on a daily basis. We owe all of these men and women a tremendous debt of gratitude for their outstanding service. This officer's perspective is most deserving of being considered by the American public.

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

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

Friends and Family:

Many of you watched the President address the nation two nights ago regarding the way forward in Iraq. A few people have asked me whether or not this surge will affect me. The answer is yes, but only for a short time. Instead of coming home in a few weeks, I will not be leaving until March at the earliest.

Some of the Navy guys who are trickling in to replace us are being diverted to go work with the new units that are part of the surge. Since the replacements are not coming as quickly as planned, I get to stay a little longer.

I've been in the Navy long enough to know that deployments never end on time and that the plan changes right up until the last minute so I am not too upset about it. More importantly, I am surrounded by a great group of soldiers who continue to amaze me with their bravery and discipline every day. I wish you could see how well they perform in such confusing and chaotic circumstances. You would be very proud of them. As much as I want to come home to Katie and Kellogg and family and friends, I will not quit this post until properly relieved. These men deserve nothing less.

Thanks to those of you who have sent packages and cards and emails. I have enough Gold Bond powder and baby wipes to stay clean and dry for months. It has been a long haul but it has meant a great deal to me to know that all of you are in my corner. I am hoping to be back in Chicago in time to hoist a green beer with some of you on Saint Patty's Day but, until then, take care and Go Bears!

HONORING OUR ARMED FORCES

SERGEANT RICHARD L. FORD

Mr. DODD. Mr. President, I rise to speak in memory of U.S. Army SGT. Richard L. Ford, of East Hartford, CT. Last month, at the age of 40, he died of combat wounds sustained in Iraq.

Sergeant Ford served with the Army's distinguished White Falcons paratrooper regiment, a unit with a reputation for speed and flexibility that dates back to 1917. ''Richard possessed all the qualities of a great paratrooper,'' said his commanding officer, LTC Richard Kim. Those qualities were evident in the city of Mosul in February, 2005. There, Sergeant Ford faced enemy fire to help save his fellow soldiers, an act of physical courage for which he was awarded the Army Commendation Medal with a ''V'' device for valor. His other decorations included a Bronze Star and a Purple Heart.

But Sergeant Ford was even more remarkable for his moral courage, the way he embodied the ideals of our volunteer military. No one sent Richard Ford to Iraq—he chose to go. Three years ago, he left his post with the Army National Guard to enter active duty. ''He went through basic training again just to do what he wanted to do—become an infantry soldier,'' said his friend, SFC Chris Beloff. ''Anyone who does all that I have the utmost respect for, because he really believed in what he was doing.'' Sergeant Ford willingly left his loved ones and risked his life for his beliefs; few of us can say the same.

The time away from his family must have hurt him the most. Even when he was stationed at Fort Bragg, NC, Sergeant Ford would drive for 12 hours back to Connecticut on weekends to be with his father, Mason, and his 11-year-old son, Michael Patrick. Shortly after Sergeant Ford's death, Michael called his father his ''biggest hero.'' Nothing can replace him in the lives of those he loved, but they can be proud that their hero fought bravely and served selflessly.

We owe him a debt beyond payment. But I pledge to keep his memory fresh and to add my voice to the prayers of his family. To his father and son; to his brothers, Matthew Ford, and Mason Ford, Jr.; to his sister, Vanessa Migliore; and to his grandmother, Marjorie Gordon—I offer my deepest sympathy. And to this soldier who lost his life in our Nation's service, I swear my highest respect.

INTERNATIONAL WOMEN'S DAY

Mr. LEAHY. Mr. President, I want to take this opportunity to inform all Senators and their staffs of an exhibit of photographs to commemorate International Women's Day, March 8, which is sponsored by the U.S. Agency for International Development. The exhibit, entitled ''Women Transforming Development,'' highlights the critical roles women play in development and USAID's efforts to support women's equality and empowerment.

For more than three decades, USAID has worked to improve women's lives in the world's poorest countries. Where women are educated, the health and economic prospects of their families improve. Where women participate politically, democracy is strengthened. In the wake of conflict, women play a central role in the survival of their children and the rebuilding of their communities.

''Women Transforming Development'' will be displayed in the Rotunda of the Russell Senate Building from March 7 through 16, 2007. The powerful images in the exhibit illustrate women's contributions to economic development, peace and security, democracy, investments in people, and humanitarian assistance in all regions of the world. They include images of USAID's work in Bangladesh, Mozambique, Ecuador, Ukraine, and Senegal.

These photographs remind us of the injustice, discrimination, and hardship that women and girls of every nationality suffer daily. Young women are targeted and murdered in Juarez, Mexico, and in Guatemala. Women in countries like Peru, Chad, and Nepal are often treated like beasts of burden, spending much of their day carrying heavy loads of water and firewood. Domestic abuse is endemic in most countries, and in some, like Pakistan and Afghanistan, women who are raped are in danger of being imprisoned and beaten under laws that punish the victim.

The global statistics are sobering. According to USAID, two-thirds of the 876 million illiterate adults worldwide are women. Two-thirds of the world's 125 million school-aged children who do not attend school are girls, and girls are less likely to finish school than boys. Seventy percent of the 1.3 billion people living in poverty around the world are women and children. Each year more than 500,000 women die during childbirth and pregnancy. The vast majority of those deaths could be prevented with basic reproductive health services. And more than three-quarters of the world's 27 million refugees are women and children.

Yet at the same time, the photographs in this exhibit also depict women as strong leaders and participants in standing up for their rights and transforming their societies.

With Congress's support, USAID is working to improve women's equality and empowerment not only because it is just, but also because it is necessary for successful development. For example, in addition to implementing programs totaling hundreds of millions of dollars in the world's poorest countries to improve maternal and reproductive health, 67 percent of USAID's basic education programs focus on girls' education. Nearly one-third of the people receiving USAID-supported business development services are women. Last year, USAID provided $27 million to support antitrafficking activities in 30 countries. USAID assisted in the development of legislation against domestic violence, sexual harassment, and trafficking in persons in several countries.

These are important efforts that need to be expanded. Women and men together must embrace these goals.

I encourage all Senators and their staffs to visit the exhibit and share in this powerful celebration of International Women's Day.

HEAD START

Mr. ROCKEFELLER. Mr. President, I rise today to commend and support my colleagues on the Health, Education, Labor and Pensions Committee for the hard work on the Head Start reauthorization bill.

I would particularly like to thank Senators DODD and HARKIN for including important language in the bill regarding childhood obesity prevention as part of Head Start. Obesity is a serious health concern, especially in West Virginia where 64 percent of adults in West Virginia are overweight or at risk of becoming overweight. An even more alarming statistic, however, is that 28 percent of low-income children between the ages of 2 and 5 are already overweight. Furthermore, overweight children have a 70 percent chance of remaining overweight into their adulthood. Obesity in children is usually caused by lack of physical activity, unhealthy eating patterns, or a combination of the two.

If Head Start can play a role in preventing obesity in children and families, it will be a real achievement, and I strongly believe Head Start can because of our experience in West Virginia.

In December 2004, a pilot program designed by Amy Requa, Head Start health specialist, and Dr. Linda Carson, director of the West Virginia Motor Development Center, West Virginia University was initiated in Head

Start Region III, which includes West Virginia. The program, known as ''I Am Moving, I Am Learning,'' is designed to prevent and reverse obesity among children enrolled in Head Start by integrating physical activity and wise nutrition choices in their daily life and promoting general good fitness habits.

According to the Surgeon General, children should exercise for at least 60 minutes per day. ''I Am Moving, I Am Learning'' is designed to improve the quality and quantity of exercise performed by children by incorporating it into daily classroom routines. After the first year of the pilot program, results showed that Head Start participants were less sedentary and able to meet the daily exercise requirement, in addition to being able to move with more intensity over longer periods of time.

The benefits of ''I Am Moving, I Am Learning'' do not end at the classroom. Because the risk of overweight children becoming overweight adults increases when one or more parent is obese, participants are encouraged to extend their healthy physical activity and food choices to the home. ''I Am Moving, I Am Learning'' is also not an isolated program; it is easily integrated with other community programs targeting childhood obesity and family wellness.

Overall the results after the first year of the ''I Am Moving, I Am Learning'' show remarkable success. Children enrolled in the initiative showed moderate improvement in body-mass index scores, indicating that they were at healthier weights than at the start of the program. Due to its success, starting this year ''I Am Moving, I Am Learning'' is extending into Delaware, Pennsylvania, and California.

The goal of Head Start is ''to bring about a greater degree of social competence in the young children of low-income families.'' ''I Am Moving, I Am Learning'' succeeds in complementing this by creating positive self-esteem among children by removing the depression and social discrimination associated with obesity.

Adding incentives for Head Start agencies to add prevention of childhood obesity is an important improvement. I look forward to working with my colleagues to ensure that the Head Start program is reauthorized during this Congress. It was neglected in the past, and we should be sure to review and strengthen our basic programs, such as Head Start.

COMMITTEE ON FOREIGN RELATIONS RULES OF PROCEDURE

Mr. BIDEN. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 110th Congress adopted by the committee on March 6, 2007.

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

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted March 6, 2007)

RULE 1—JURISDICTION

(a) SUBSTANTIVE.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The committee also has a responsibility under Senate Rule XXVI.8, which provides that ''. . . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee.''

(c) ''Advice and Consent'' Clauses.—The committee has a special responsibility to assist the Senate in its constitutional function of providing ''advice and consent'' to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) Additional Meetings.—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) Hearings, Selection of Witnesses.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as

possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) Public Announcement.—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) Staff Attendance.—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings.

Each member of the committee may designate members of his or her personal staff, who hold a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff with a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) Presentation.—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement. Witnesses appearing on behalf of the executive branch shall provide an additional 100 copies of their statement to the committee.

(d) Expenses.—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) Authorization.—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours, notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) Filing.—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views. A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and

report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) Domestic Travel.—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the ''Personal Representative of the Member.''

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or S–407 of the Capitol, except for the purpose of declassification.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in S–407 of the Capitol;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in S–407 of the Capitol;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in S–407 of the Capitol; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or S–407 of the Capitol.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) Declassification.

(1) All noncurrent records of the committee are governed Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in the meeting who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a ''need to know'' such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) Responsibilities.—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except

that such part of the staff as is designated minority staff, shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, committee action; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) Amendment.—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

GUARDIAN INDUSTRIES

Mr. LEVIN. Mr. President, I want to recognize Guardian Industries, which is celebrating its 75th anniversary this year. Guardian has been a leader in the glass, building, and automotive parts manufacturing industries and an important contributor to Michigan's economy for many years.

Guardian Industries was established in 1932 as Guardian Glass Company. What began as a small windshield fabrication business in Detroit, MI, grew to become a large-scale operation with the opening of its first float glass assembly plant in 1970. Since then, Guardian has built or acquired numerous fabrication plants throughout the world and diversified its business through the purchase and development of new technologies and methods of production.

Over the years, Guardian Industries has steadily grown to become one of the world's chief manufacturers of float glass and fabricated glass products and the world's largest producer of mirrors. Guardian has also become a major player in the building materials and distribution business and a leading supplier of exterior products to the automotive industry.

During its 75 years of existence, Guardian Industries has made a significant contribution to Michigan's economy. With a global workforce of over 19,000 employees, including about 1,000 in southeast Michigan, Guardian has demonstrated its commitment to making Michigan's economy a leader in manufacturing and technological development. Guardian Industries also plays an important role in community improvement throughout southeastern Michigan. Through its awarding of scholarships to local students pursuing advanced degrees and its financial support of the Detroit Symphony Orchestra, Guardian has shown a commitment to strengthening the fiber of community in Michigan.

I know my colleagues join me in commending the tremendous effort and hard work of the many employees of Guardian Industries over the years and wish them many more years of success and growth.

LATIN AMERICA

Mr. OBAMA. Mr. President, later today, President Bush will start on a 6-day visit to five countries in the Western Hemisphere: Brazil, Uruguay, Colombia, Guatemala, and Mexico.

The trip comes at an important time for the region and for U.S. relations with our hemispheric neighbors. In an historic convergence, during a 13-month period beginning in November 2005 and ending this past December, a dozen countries throughout Latin America and the Caribbean held Presidential elections. Those elections are a testament to the tremendous democratic strides made throughout the Americas during the past two decades and saw governments elected to power that span the ideological spectrum.

In many ways, the election results symbolize the important political, economic, and social change occurring throughout the Americas. As many have noted, the elections gave voice to a yearning across the hemisphere for social and economic development—a yearning among tens of millions of people for a better life. This is a welcome development and a challenge to all of us who wish to see the Americas continue down a path of democracy with justice, because, while we should welcome this democratic call for change, we must recognize that hard and steady work lies ahead to make these hopes a reality.

That a desire for fundamental change has been expressed through the ballot box is an enormous stride forward. Too often, change in the Americas has occurred in an anti-democratic fashion. Those days must permanently be put to rest. All citizens of the Americas have a fundamental right to live in freedom and to express themselves through robust democratic institutions.

That a desire for expanded prosperity has been given such clear voice raises the stakes. Governments must now do more to address the basic needs and aspirations of their people in an effective, democratic, and sustainable way. A failure to fulfill the most basic functions of government, and a failure to create the conditions in which tens of millions across the Americas can realize their hopes and break free of poverty could undo these gains. The denial of opportunity is now the most significant threat to the consolidation of democracy in the region.

Unfortunately, the elections and this desire for change have occurred at a time when U.S. prestige and influence have fallen to depths not seen in at

least a generation. As has been the case throughout the world, our standing in the Americas has suffered as a result of the misguided policies and actions of the Bush administration. It will take significant work to repair the damage wrought by 6 years of neglect and mismanagement of relations.

The United States can ill afford this deterioration of our standing. With each passing day, we draw closer together to our neighbors to the south. This convergence creates new challenges, but it also opens the door to a more hopeful future. If we pay careful attention to developments throughout the region and respond to them in a thoughtful and respectful way, then we can advance our many and varied national interests at stake in the Americas.

I welcome the President's decision to travel to five important countries in Latin America, and to reaffirm the importance of our relationship with the more than 500 million people who live to our south. I am, however, disappointed that the President has fallen so short in his promise to transform U.S. relations with the Americas. Our regional relationships cannot be properly attended to with one 6-day trip, a series of photo opportunities, and some lofty rhetoric on collaboration.

Nor does the Bush administration's declaration of 2007 as the year of engagement with the Americas suffice. One year of engagement out of seven is simply not good enough. In light of the Bush administration's woeful record, creating false expectations does more harm than good. We must be realistic about the challenges we face, and what we are doing to address them. We must devote our full time and our respectful attention to our relations within the hemisphere.

Earlier this week, President Bush spoke of a ''social justice'' agenda for the Americas. He was right to underscore the importance of addressing the basic needs of millions of our neighbors languishing in poverty. The primary responsibility for doing so, of course, lies with the governments and societies throughout the hemisphere. Yet helping to lift people out of widespread poverty is in our interests, just as it is in accord with our values. When instability spreads to our south, our security and economic interests are at risk. When our neighbors suffer, all of the Americas suffer.

The United States has an important role to play. Yet the President sends a mixed message when he makes his call for a social justice agenda after presenting the Congress with a budget for fiscal year 2008 that, with the exception of HIV/AIDS funding, slashes both assistance for economic development and health programs in the Americas. At a time when our standing in the hemisphere is so low, we cannot afford to send this kind of message. Our commitment to justice in the Americas must be expressed in more than one thoughtful expression in one pre-trip speech. Our commitment must be matched by our deeds, not just our words.

It is my hope that the President will break from his practice of touting the importance of the Americas during his travels only to turn his back upon his return.

Each stop on the President's trip presents an opportunity to move beyond rhetoric, to renew relations in the hemisphere, and to set a new course for sustained followthrough in a way that advances important U.S. interests.

In Brazil, it has been reported that President Bush is expected to join with President Inacio Lula de Silva to announce greater ethanol cooperation between the United States and Brazil. Together, the United States and Brazil are the world's largest ethanol producers and consumers. Brazil's more than 30 years of renewable fuel technology investments allowed it to achieve energy independence last year. Ethanol now accounts for 40 percent of Brazil's fuel usage. More than 80 percent of cars sold in Brazil today are flex-fuel vehicles capable of running on gasoline, ethanol, or a mixture thereof.

Greater Brazilian production of renewable fuels could boost sustainable economic development throughout Latin America and reshape the geopolitics of energy in the hemisphere, reducing the oil-driven influence of Venezuela's Hugo Chavez. The more interhemispheric production and use of ethanol and other biofuels occurs, and the more such indigenously produced renewable fuels are used to replace fossil fuels, the better it is for our friends in the hemisphere.

As it relates to our country's drive toward energy independence, it does not serve our national and economic security to replace imported oil with Brazilian ethanol. In other words, those who advocate replacement of US-based biofuels production with Brazilian ethanol exports, however well intentioned they may be, are both misunderstanding our long-term energy security challenge and ignoring a valuable foreign policy opportunity. The U.S. needs to dramatically expand domestic biofuels production, not embrace a short term fix that discourages investment in the expansion of the domestic renewable fuels in industry. Also, accelerating technology advances and transferring the technology to our neighbors in the Caribbean and South America will help them employ their own resources to produce environmentally clean ethanol to reduce their imported oil bill, thereby promoting economic stability in the Caribbean and South and Central America and strengthen the U.S.-Brazil relationship.

It is vital that President Bush keeps the Congress involved each step forward in a U.S.-Brazil relationship based on renewable fuels. This relationship must be structured so as not to hamper the domestic production of renewable fuels, or the development of new technologies here at home that can enhance our energy security.

In Uruguay, President Bush has the opportunity to forge closer ties with President Tabaré Vázquez and to show that the United States is ready, willing, and able to work productively with democratic-left governments. That this ability is in question and that it requires explaining underscores how badly the President and his administration have misunderstood and mismanaged the political, economic, and social change occurring throughout the Americas. The United States is seen as supporting democracy when it produces a desired result. It is vital to reverse that trend. I hope the President can begin that process, even if we have a long way to go.

The United States has invested a great deal—nearly $5 billion during the past 7 years—to help stabilize Colombia. A more peaceful, just, and stable Colombia is undoubtedly in our national interest. It is imperative, however, that greater peace and stability contribute to a reduction in the flow of drugs from Colombia to the United States. Thus far, we have not seen the kind of dropoff that the effective pursuit of our interests demands.

President Bush's closest ally in the region—Colombian President Alvaro Uribe—is embroiled in a controversy that has led to the arrest of eight of his supporters in the Colombian Congress and his former confidant and former chief of Colombia's secret police for ties to the country's narco-terrorist paramilitaries. President Bush must be careful to keep the pursuit of U.S. interests in Colombia distinct from specific personalities, or personal relationships. The further consolidation of legitimate governing institutions in Colombia—and the extension of their reach throughout Colombia are clearly in the national interest of the United States, and the interest of Colombia.

Guatemala shares deep connections with the United States. Nearly 1 in 10 Guatemalans now lives in the United States. Nearly $3 billion were remitted from the United States to Guatemala in 2005, representing approximately 10 percent of that country's gross domestic product. Having emerged from decades of internal conflict that left as many as 200,000 of its citizens dead, Guatemala finds itself struggling with a new scourge of violence that is causing instability. Gang and drug-related criminal violence and the country's staggering levels of poverty pose enormous challenges—challenges that affect our country as well. I am encouraged to see the Bush administration's new commitment to supporting a Central American regional approach to combat transnational gangs. This initiative should incorporate the most effective techniques and practices from the United States and from throughout the region. The United States must take the lead in rolling back the detrimental influence of these gangs in our own society and in Central America.

The relationship between the United States and Mexico is among our most important in the world. Getting it right is vital to advancing our core economic and security interests. To do that, a great deal of work needs to be done. Mexico is making strong efforts to address the drug trade and is working cooperatively with the United States on a number of security issues. But our complex relationship with Mexico has become captive to a single issue: the immigration debate in our country.

There is consensus that our immigration system is broken. It is past time to fix it, and I am proud of my own support for a workable solution. We need a comprehensive approach to illegal immigration that stops the flow of illegal immigrants across our borders, better manages immigration flows going forward, and deals fairly with the illegal immigrants already living and working in our country. A workable solution will require bipartisan support, and I will work to build it. The President has consistently voiced his support, for comprehensive immigration reform. It is my hope that upon his return from Mexico he will get to work, converting his words into deeds to help push comprehensive immigration reform forward.

A great deal of work needs to be done. We need to restore U.S. relations in the hemisphere. We need to consolidate the gains that have been made in the sweeping change of the last few years. We need to sustain our commitment to democracy, to social justice, and to opportunity for our neighbors to the south. The Western Hemisphere is too important to our core economic and security interests to be treated with the neglect and mismanagement that have defined the past 6 years. It is my hope that President Bush's trip marks the opening of a new chapter of cooperation and partnership a chapter of partnership with our neighbors to promote democracy with social and economic development for the benefit of all of us who live in the Americas. It is time for the United States to reclaim and renew its historic role as a leader in the hemisphere and an example of hope for all who seek opportunity in the Americas.

ADDITIONAL STATEMENTS

HOT SPRINGS NATIONAL PARK

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Hot Springs National Park, which will soon be celebrating its 175th anniversary. Hot Springs is a magical place which has brought great distinction to my State because of its history and because of the allure it has held for generations of visitors.

On April 20, 1832, President Andrew Jackson and the U.S. Congress established Hot Springs Reservation in order to protect the 47 hot springs flowing from the southwestern slope of Hot Springs Mountain. In 1921, it was renamed Hot Springs National Park and became America's 18th national park. Hot Springs remains the first protected area in the Nation.

People have used the hot springs for more than 200 years to treat illnesses and to relax. The reservation eventually developed into a well-known resort nicknamed, ''The American Spa,'' because it attracted not only the wealthy but also indigent health seekers from around the world. In fact, their motto was, ''We Bathe the World.''

Eight historic bathhouses make up ''Bathhouse Row'' with the Fordyce Bathhouse housing the park's visitor center. The entire ''Bathhouse Row'' area is a National Historic Landmark District that contains the grandest collection of bathhouses of its kind in North America. It was placed on the National Register of Historic Places on November 13, 1974.

On April 20, 2007, Hot Springs National Park and the Nation will celebrate 175 years of preserving our natural resources. I urge my colleagues to join me in continuing to protect our great American treasures, one of the greatest of which is Hot Springs National Park.●

NATIONAL ENGINEERS FUTURE CITY COMPETITION

● Mr. VITTER. Mr. President, today I wish to recognize Jake Bowers, Emily Ponti, and Krisha Sherburne of St. Thomas More School in Baton Rouge, LA. They are the winners of the 2007 National Engineers Future City Competition, and I would like to take a moment to recognize these talented students in their tireless effort.

Starting in September, 30,000 entrants from 1,000 schools began across the country working on their future cities for the National Engineers Future City Competition under the guidance of professional engineers in their local communities. In January the entrants were narrowed down to 105 students from 35 schools to go to the nationals in Washington, DC. St. Thomas More School was one of these talented groups to be chosen.

This hard-working group presented their future city of Mwinda in the Congo Republic with the guidance of their teacher Mrs. Shirley Newman, their engineer mentor Mr. Guy Macarios, and the help of Mr. Eric Ponti. The future city design featured renewable energy resources to power the city and hydrogen-powered hover cars and buses to transport citizens around the city. St. Thomas More has made it to the nationals in this competition for the fourth time and is their second national win.

I applaud the students from St. Thomas More School for this great honor and wish them continued success in their academic career.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

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

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED ON MARCH 15, 1995—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2007.

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 8, 2007.*

MESSAGE FROM THE HOUSE

At 11:54 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 569. An act to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

MEASURES REFERRED

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

H.R. 569. An act to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 9. Joint resolution to revise United States policy on Iraq.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 655. A bill 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 Red Cross in the 21st century, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Vanessa Lynne Bryant, of Connecticut, to be United States District Judge for the District of Connecticut.

(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 Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. LANDRIEU, and Mr. HAGEL):

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; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. KENNEDY, Mr. REID, Mr. OBAMA, and Mrs. CLINTON):

S. 808. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself, Mrs. DOLE, Ms. SNOWE, Mr. CHAMBLISS, Mr. THUNE, and Mrs. HUTCHISON):

S. 809. A bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 810. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 811. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN):

S. 812. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 813. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

By Mr. SPECTER:

S. 814. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

By Mr. CRAIG:

S. 815. A bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK:

S. 816. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. KERRY, Mr. CASEY, Mr. BROWN, and Mr. GRAHAM):

S. 817. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 818. A bill to expand the middle class, reduce the gap between the rich and the poor, keep our promises to veterans, lower the poverty rate, and reduce the Federal deficit by repealing tax breaks for the wealthiest one percent and eliminating unnecessary Cold War era defense spending, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, Mr. SCHUMER, Mrs. LINCOLN, and Mr. COLEMAN):

S. 819. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 820. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. CARDIN, and Mrs. CLINTON):

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; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. KERRY, Mr. BUNNING, Mr. BINGAMAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SMITH, Mr. ALLARD, and Mr. CORNYN):

S. 822. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. OBAMA (for himself, Ms. SNOWE, Mr. DURBIN, Mr. DODD, Mrs. CLINTON, Mrs. BOXER, Mr. SCHUMER, and Mr. KERRY):

S. 823. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 824. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 825. A bill to provide additional funds for the Road Home Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 826. A bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 827. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. HARKIN, and Mr. TESTER):

S. 828. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share payments for on-farm energy production under the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MIKULSKI (for herself, Mr. MARTINEZ, Mr. REED, Mr. SCHUMER, Mr. LEVIN, Mr. MENENDEZ, Mr. SPECTER, Mr. BOND, Mr. NELSON of Florida, and Mrs. DOLE):

S. 829. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD:

S. 830. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. OBAMA):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 6. A joint resolution providing for the reappointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 7. A joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 8. A joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. REED, Mr. KENNEDY, Mr. ROCKEFELLER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CARPER, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 9. A joint resolution to revise United States policy on Iraq; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID:

S. Res. 101. 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; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 140, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 221

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 221, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 430

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 430, supra.

S. 457

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 457, a bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) 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 Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 558

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 558, supra.

S. 579

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 590

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 591

At the request of Mr. SMITH, his name was added as a cosponsor of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 600

At the request of Mr. SMITH, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 625

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 645

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) 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. 699

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 761

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 779

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 796

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 804

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 804, a bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

S. RES. 92

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

S. RES. 95

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

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 356

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 356 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 368

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 368 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 381

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 381 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. KENNEDY, Mr. REID, Mr. OBAMA, and Mrs. CLINTON):

S. 808. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as my State and the rest of the Gulf Coast work to get back on their feet and rebuild their lives and their communities, we look to the future. We look forward to stronger levees, a more responsive FEMA, a better medical system, and a better school system. We look to our children—because they are the future—and we are striving to build the best school system in the country. We are in the middle of a remarkable period in Louisiana—and our schools are at the center. Our schools are reopening and developing in new and innovative ways. There is a wonderful partnership with our institutions of higher learning, who are throwing themselves into not only rebuilding themselves but into standing up this new school system.

But key to this new school system are the people who make it work day after day—our teachers, our principals, our aides—and it is vital that we recruit, retain, and maintain all of the excellent individuals who are dedicated to our children and the future.

That is why, today, I am so very proud to introduce the Landrieu-Kennedy-Reid RENEWAAL Act of 2007.

Hurricanes Katrina and Rita not only damaged or destroyed 840 schools in Louisiana, but dozens more throughout the Gulf Coast. As the 176,000 displaced elementary and secondary school students and their families begin to return, what was a need to rebuild these schools and bring in new teachers has become an emergency. The RENEWAAL Act will help solve a significant crisis in New Orleans—there are simply not enough talented teachers in the city to educate the 29,000 children the system must serve. In January, the New Orleans Recovery School District was forced to ''waitlist'' 300 students, in large part because they simply could not find or encourage enough teachers to come to the region to teach them.

As the region continues to struggle and to grow, so will the need to bring more teachers to the Gulf Coast. The Louisiana Recovery Authority estimates that 12,000 teachers were displaced by Hurricane Katrina. Public

schools in New Orleans will need an additional 750 teachers by fall 2007 to accommodate the daily surge in enrollment. Some of the district's high schools have student-to-teacher ratios surpassing 36 to 1. Jefferson Parish currently has a shortage of about 60 teachers. Parishes like St. Bernard and Cameron have managed to hold down student-to-teacher ratios only because they've increased the local tax burden on an already stretched population to the breaking point, even though just a small portion of their schools have reopened. The future of the Gulf Coast lies in the rebuilding of its middle class; the future of the middle class in any community is in its schools.

The RENEWAAL Act provides up to $254 million over 5 years in salary supplements, housing assistance and loan forgiveness for certified elementary and secondary school teachers and leaders who commit to serving the Hurricane Katrina and Rita affected areas for a minimum of 3 years. The Act provides annual salary bonuses starting at $7,000 per year for teachers and leaders, increasing with experience, a proven track record of success in an urban district or use the opportunity to return to their home district to help. RENEWAAL also provides student loan forgiveness of up to $7000 per year and housing assistance of up to $750 per month.

These incentives are necessary to help offset the dramatic cost of living increases that are a reality in the Gulf region right now. The starting salary for a Recovery School District teacher is $35,400 per year, slightly below the state's median income of $37,400. The average rent in New Orleans parish has increased more than 40 percent in 1 year—so much so that, currently, a Recovery School District teacher in New Orleans would spend 40–50 percent of his or her monthly pre-tax income on rent. The average student loan debt of the 60 percent of Louisiana students who graduate with student loan debt is over $17,000. The combination of these financial burdens and the increased cost of living make it impossible for some young people to put their considerable time and energy into rebuilding the Gulf Coast, even if they once called it home. The incentives provided in the RENEWAAL Act would give them the support they need to serve.

The bill also recognizes the unique role and the unique challenges Hurricane Katrina and Rita impacted colleges and universities have in rebuilding our Gulf communities. Over 84,000 students were displaced in Louisiana as a result of Hurricanes Katrina and Rita. RENEWAAL provides $500 million of funds to attract additional students to and retain faculty at Louisiana's institutions of higher education. Colleges and universities suffering significant revenue gaps from decreased enrollment and repair costs would receive the help they need continue their missions. Our higher education system has long been the creative and professional life blood of New Orleans and the region, as the institutions directly impacted by the storms have trained hundreds of thousands of young professionals and entrepreneurs who use their skills to strengthen cities and towns along the Gulf Coast and nationwide.

I'd like to thank Congressman CHARLES MELANCON and Congressman GEORGE MILLER and their staffs for their hard work with us on this bill, culminating in its introduction as companion legislation in the House of Representatives. This bill is the latest example of their tireless dedication to supporting the children, families and students of the Gulf Coast as we continue to work together to bring the people of Louisiana, Mississippi, Alabama and Texas home.

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

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

S. 808

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 ''Revitalizing New Orleans by Attracting America's Leaders Act of 2007'' or the ''RENEWAAL Act of 2007''.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. GRANTS TO STATE EDUCATIONAL AGENCIES AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA; SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Subject to subsection (b) and section 102(d), from amounts appropriated under section 105, the Secretary of Education shall award grants to each of the States of Louisiana, Mississippi, and Alabama. The Secretary shall base allocations for States that submit an application under subsection (b)(1) on the number of schools in each State that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita.

(b) APPLICATIONS.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under subsection (a), the State educational agency for the State shall submit an application to the Secretary, at such time as the Secretary may require, that contains such information and assurances as the Secretary may require.

(2) SPECIFIC ASSURANCES.—The assurances under paragraph (1) shall include an assurance that—

(A) subject to subsection (d), the State educational agency will distribute the funds received under the grant as subgrants to local educational agencies;

(B) the State educational agency, in consultation with local education agencies, local teachers and their union, the State's board of education, and the local organization representing charter schools, will establish and implement a plan to strengthen the recruitment, retention, professional development, and success of teachers and school leaders in schools that are served under the grant; and

(C) funds provided shall be used at schools that are—

(i) open to all eligible students, including students with disabilities and English language learners; and

(ii) in compliance with all applicable Federal laws, including civil rights laws, and State and local health and safety laws.

(3) OVERSIGHT.—The Secretary shall, on a semi-annual basis—

(A) review the State educational agencies receiving funds under this title to determine whether each such agency is in compliance with the assurances referred to in paragraph (2); and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of such review, the first of which reports shall be made not later than 6 months after the date of the enactment of this Act.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to subsection (d), from amounts made available to a State educational agency under this title, the agency shall make subgrants, on a competitive basis, to local educational agencies in the State that serve an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S. C. 5170) by reason of Hurricane Katrina or Hurricane Rita. Funds received under the subgrant shall be used to carry out the authorized activities described in sections 102 and 103.

(2) APPLICATION.—To be eligible to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(3) TIMING.—Subgrants under this subsection shall be made not later than 60 days after the date on which the State educational agency first receives funds from the Secretary under this title.

(4) DETERMINATION OF ALLOCATIONS.—In allocating funds among local educational agencies under this subsection, State educational agencies shall give priority to local educational agencies with the following:

(A) The highest percentages of schools that are closed as a result of Hurricane Katrina or Hurricane Rita, as of the date of the enactment of this Act.

(B) The highest percentages of schools with a student-teacher ratio of at least 25 to 1.

(d) MANAGEMENT, ADMINISTRATION, AND EVALUATION.—

(1) IN GENERAL.—A State educational agency that distributes funds under this title may reserve up to one half of one percent for management, administrative, and evaluation purposes.

(2) CHARTER SCHOOL COSTS INCLUDED.—Amounts reserved under paragraph (1) shall include all management, administrative, and evaluation costs related to charter schools.

(3) ALLOCATION TO OTHER LOCAL EDUCATIONAL AGENCIES.—Of the amounts reserved by a State educational agency under paragraph (1), any funds that remain after expenditure for the costs described in paragraphs (1) and (2) may be allocated by the State educational agency to other local educational agencies adversely affected by Hurricane Katrina or Hurricane Rita.

(e) EVALUATION.—The Comptroller General of the United States shall review the implementation of section 102 and shall provide the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with an analysis of the effectiveness of the implementation of such section not later than 1 year after the date of the enactment of this Act.

SEC. 102. ANNUAL BONUSES FOR TEACHERS AND OTHER SCHOOL LEADERS.

(a) ANNUAL BONUSES FOR TEACHERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual pensionable bonuses, in addition to base salary and benefits, to teachers in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all teachers employed by the local educational agency during the school year in which this Act is enacted, if the teacher commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $10,000 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), except that such teachers may not receive a bonus under paragraph (1).

(3) $12,500 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), and who teach a subject for which there is a documented teacher shortage, except that such teachers may not receive a bonus under paragraph (1) or (2).

(b) ANNUAL BONUSES FOR SCHOOL LEADERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual bonuses to school leaders in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all school leaders employed by the local educational agency during the school year in which this Act is enacted, if the school leader commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $15,000 per year for all school leaders described in paragraph (1) who also are designated by the local educational agency as outstanding or have a demonstrated track record of success in improving student academic achievement on a school-wide basis in a low-performing school (as determined through a performance-based system that includes analysis of academic achievement gains), except that such school leaders may not receive a bonus under paragraph (1).

(c) SUPPLEMENTS FOR PERSONNEL RETURNING FROM DISPLACEMENT.—In the case of a teacher or school leader who was displaced from, or lost employment in, a geographic area described in section 101(a) by reason of Hurricane Katrina or Hurricane Rita, and who returns to such an area following such displacement and is rehired, the bonus described in subsection (a) or (b) shall be increased by $1,500 in each of the 3 years.

(d) MULTIPLE MEASURES OF SUCCESS RATING SYSTEM.—The Secretary of Education may make a grant to a State under this title only if the State educational agency, in its application under section 101(b), agrees to use the following process to develop a multiple measures of success rating system:

(1) Not later than 60 days after the date of the enactment of this Act, the State educational agency, in cooperation with local educational agencies, the teachers unions, local principals' organization, local parents' organizations, local business organizations, and local charter schools organizations, shall develop a plan for such a system.

(2) If the State educational agency has failed to reach an agreement pursuant to paragraph (1) that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately notify the Congress of such failure and the reasons for it and shall, not later than 30 days after such notification, establish and implement a rating system that shall be—

(A) based on strong learning gains for students and growth in student achievement;

(B) based on classroom observation and feedback at least 4 times annually;

(C) conducted by multiple sources, including principals and master teachers; and

(D) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

(e) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a teacher or school leader under subsection (a) or (b) shall pay the bonus according to a schedule that—

(1) is designed to attract such educators;

(2) commences payment of the first of such bonuses not later than 60 days after the later of—

(A) the first day of the first full school year that begins after the date of the enactment of this Act; and

(B) the date on which the local educational agency first receives funds from the State educational agency under this title; and

(3) only completes payment at the end of the period of required service.

(f) GRANT PERIOD.—Funds allocated by the Secretary for use under this section may be expended by a State educational agency or local educational agency over a 3-year period.

SEC. 103. RELOCATION COSTS, HOUSING COSTS, EDUCATOR RECRUITMENT COSTS, AND PROMOTION OF BEST PRACTICES AND CAPACITY-BUILDING.

(a) RELOCATION COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide one-time payments of up to $2,500 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency to assist such educators with costs associated with relocation. In providing such payments, a local educational agency shall give priority to teachers with a prior connection to the State, either through previous employment as a teacher in the State or graduation from a public or private institution of higher education located in the State.

(b) HOUSING COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide up to 36 monthly payments of—

(1) $700 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, and who previously resided or worked in the geographical area served by the agency, to assist such educators with housing costs; and

(2) $500 each to all other educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, to assist such educators with housing costs.

(c) EDUCATOR RECRUITMENT COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of establishing partnerships with non-profit entities that have a demonstrated track record in recruiting and retaining outstanding teachers and school leaders who commit to teach or lead in schools where there is a documented teacher shortage. These entities shall consult with teachers and the local teachers' union in their work.

(d) PROMOTING BEST PRACTICES AND CAPACITY-BUILDING.—

(1) IN GENERAL.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of building the capacity and knowledge of principals and teachers and providing teachers with paid release time to collaborate with each other, to engage in classroom observation, and to participate in professional development. Such paid release time shall be used to facilitate the identification and replication of best practices from the highest-performing and fastest-improving schools, to bring in outstanding educators to provide on-site professional development and coaching, and to support the design, adaptation, and implementation of high-quality formative assessments aligned to the State's academic standards.

(2) ADMINISTRATIVE COSTS.—A local educational agency receiving a subgrant under section 101 may use up to 5 percent of the portion of the subgrant funds specified by the Secretary under paragraph (1) for management and administration related to carrying out activities under such paragraph.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) The term ''documented teacher shortage''—

(A) means a shortage of teachers documented in the needs assessment conducted under section 2122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(c)) by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

(B) may include such a shortage in math, science, reading, special education, a foreign language, high school core subjects, instruction for limited English proficient children, and other subjects, as designated by the local educational agency.

(2) The term ''elementary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and shall also include the Recovery School District in Louisiana and New Orleans Public Schools.

(4) The term ''public school'' means any public school that is operated or chartered by a State educational agency or local educational agency.

(5) The term ''school leader'' means a school principal, assistant principal, principal resident director, or assistant director.

(6) The term ''secondary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) The term ''Secretary'' means the Secretary of Education.

(8) The term ''teacher'', when used with respect to an individual teaching in a State, means that the individual has obtained full State certification as a teacher or is satisfactorily participating in an alternative

route to certification program that leads to certification within 3 years, except that—

(A) an individual teaching in a public charter school is included in this definition if the individual satisfies the requirements set forth in the State's public charter school law with respect to State certification; and

(B) a special education teacher is included in this definition only if fully certified by the State.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $45,500,000 for fiscal year 2007, $45,500,000 for fiscal year 2008, and $46,000,000 for each of fiscal years 2009, 2010, and 2011.

(b) ANNUAL BONUSES FOR TEACHERS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $20,000,000 for each of fiscal years 2007 through 2011 to carry out section 102(a).

(c) ANNUAL BONUSES FOR SCHOOL LEADERS.—Of the total amounts authorized under subsection (a), the following amounts are authorized to be appropriated to carry out section 102(b):

(1) $1,500,000 for each of fiscal years 2007 and 2008.

(2) $2,000,000 for each of fiscal years 2009, 2010, and 2011.

(d) RELOCATION COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(a).

(e) HOUSING COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $15,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(b).

(f) EDUCATOR RECRUITMENT COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(c).

(g) PROMOTING BEST PRACTICES AND CAPACITY-BUILDING.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(d).

(h) AVAILABILITY.—Any funds authorized to be appropriated under this section are authorized to be available for fiscal years 2007 through 2011.

SEC. 106. CONSTRUCTION.

Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

TITLE II—HIGHER EDUCATION

SEC. 201. HIGHER EDUCATION RECOVERY AND SUSTAINABILITY PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall provide funds made available under this section, in accordance with subsection (b), to postsecondary educational institutions—

(1) that were closed on any of their physical campuses, or that temporarily relocated their campus, as a result of the impact of a Gulf hurricane disaster;

(2) the enrollments of which have not recovered to the level of enrollments that existed before a Gulf hurricane disaster; and

(3) that continue to sustain a loss of revenue as a result of the impact of a Gulf hurricane disaster.

(b) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to compensate the institutions described in subsection (a) for direct or indirect losses incurred by such institutions resulting from the impact of a Gulf hurricane disaster, and for the recovery initiatives of such institutions. Such funds may be used for—

(1) faculty salaries and incentives for retaining faculty;

(2) costs associated with the loss of lost tuition, revenue, and enrollment;

(3) construction and maintenance needs;

(4) grants to students to attend institutions described in subsection (a) for academic years beginning on or after July 1, 2006, with priority given to students demonstrating financial need; and

(5) any recruitment activities related to increasing enrollment to the level of enrollment that existed before a Gulf hurricane disaster.

(c) APPLICATION FOR ASSISTANCE.—A postsecondary educational institution that desires to receive assistance under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a Gulf hurricane disaster, and the monetary amount of such losses;

(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, any other relevant government agencies, and insurance prior to seeking assistance under this section;

(3) demonstrate that the institution has not been able to fully operate at the level of operation that existed before a Gulf hurricane disaster; and

(4) provide an assurance that, with respect to any funds provided under this section for construction, the institution will only use such funds for construction that has been or will be conducted in compliance with the wage requirements under section 439 of the General Education Provisions Act (20 U.S.C. 1232b).

(d) REGULATIONS REQUIRED.—Within a reasonable time after the date of enactment of this section, the Secretary shall issue regulations setting forth—

(1) procedures for an application for assistance under this section; and

(2) minimum requirements for receiving assistance under this section, including the following:

(A) Online forms to be used in submitting request for assistance.

(B) Information to be included in such forms.

(C) Procedures to assist in filing and pursing assistance.

(e) DEFINITION.—In this section, the term ''postsecondary educational institution'' means—

(1) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(2) a public or private teaching hospital wholly or partly owned or operated by such an institution of higher education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period beginning in fiscal year 2007 through fiscal year 2011.

SEC. 202. LOAN FORGIVENESS FOR CERTAIN TEACHERS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (e), the Secretary shall carry out a program of providing loan forgiveness to qualifying teachers. To provide such loan forgiveness, the Secretary is authorized to carry out a program—

(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); and

(B) to cancel a qualified loan amount (as so determined) for a loan made under part D of such title (20 U.S.C. 1087a et seq.).

(2) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) or a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act (20 U.S.C. 1078 or 1078–8, respectively), as determined in accordance with regulations prescribed by the Secretary.

(b) QUALIFYING TEACHERS.—For the purposes of this section, a qualifying teacher is an individual who is not in default on a loan for which the individual seeks forgiveness and—

(1) who—

(A) first commenced employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster after such disaster; and

(B) is not described in paragraph (2);

(2) who graduated from a public or private institution of higher education located in an area affected by a Gulf hurricane disaster and first commenced employment as a full-time teacher in a public or private elementary or secondary school in such area after such disaster; or

(3) who returned to employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster such after such disaster.

(c) QUALIFYING AMOUNTS.—The Secretary shall forgive not more than the following amount for a qualifying teacher:

(1) $5,000 per year for a qualifying teacher described in paragraph (1) of subsection (b), for each year of service described in such paragraph.

(2) $7,000 per year for a qualifying teacher described in paragraph (2) or (3) of subsection (b), for each year of service described in such paragraph.

(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2007 through 2011.

SEC. 203. DEFINITIONS.

For the purposes of this title:

(1) AFFECTED STATE.—The term ''affected State'' means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(2) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term ''area affected by a Gulf hurricane disaster'' means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(3) GULF HURRICANE DISASTER.—The term ''Gulf hurricane disaster'' means a major disaster that the President declared to exist, in accordance 6 with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

By Mr. MENENDEZ:

S. 810. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce a bill designed to improve the science learning experience for students in low-income and rural school across the country. Investing in education is about investing in our future. Today's young people will be facing a new world when they enter the workforce—a world that is globally integrated and where technology has transformed the boundaries of human capital so that our tax forms, blueprints, and x-rays can all be analyzed halfway around the world. The greatest asset we have in this country is our collective intellect, and the Nation's competitive future will depend on us nurturing the intellect of the next generation of Americans.

In order to be competitive in the coming decades, we need to ensure that we have given our students the tools to be successful in science, engineering, mathematics, and technology. The America COMPETES Act, S. 761, which I was proud to join with my colleagues in introducing earlier this week, helps provide these tools at all levels of our educational system, from kindergarten through graduate school and beyond. Unfortunately, I am concerned that we may not be paying enough attention to those students that are already in the greatest danger of not reaping the full benefits of America's innovation future, such as minorities, women, and students in low-income or rural schools.

For example, according to the National Science Foundation, only 7 percent of our scientists and engineers are Hispanic, African-American, or Native-American, despite the fact that they make up 24 percent of the total population. A minority scientist is also far less likely to achieve a post-graduate degree. By 2020, one-quarter of the Nation's schoolchildren will be Hispanic, and another 14 percent will be African-American. That's 40 percent of our precious human capital, and we can not neglect that tremendous resource when we talk about improving our competitiveness for the future. No business could afford to leave 40 percent of its capital sitting idle, and neither can the United States.

That's why I offered an amendment during last year's Energy Committee markup of science and technology competitiveness legislation—an amendment that has made it into the America COMPETES Act—which will create a series of outreach programs designed to get more minority elementary and secondary students excited about science, to increase their interest in entering these fields that will be such a crucial part of our economic future. A program like this called Hispanic Engineering Science and Technology Week (HESTEC) has been operating very successful for the past few years as the University of Texas—Pan American, and I hope to see that success replicated throughout the nation.

But these types of programs are only one part of getting students hooked on science. We can spend all the time in the world telling students how exciting it is to be a scientist, but unless we actually let them experience that excitement—unless we let them discover the joy of scientific discovery first-hand–we will still lose them. And that is the job of the science laboratory class. A well-designed, well-equipped, well-staffed high school laboratory can be an incredibly invigorating and illuminating experience for a student. It can teach them far more about scientific principles than they can learn from a book or in a lecture, and more importantly, it teaches them the thrill of actually being a scientist. That, more than anything else, can mean the difference between a student who goes on to become a chemist, an engineer, or a medical researcher, and one who loses interest in science forever.

Unfortunately, a recent report by the National Academy of Sciences, called America's Lab Report: Investigations in High School Science, made some findings that are extremely troubling for those of us who want to provide all of our students an equal opportunity to succeed in science and technology. It found that schools that have high percentages of minorities and low-income students are ''less likely to have adequate laboratory facilities'' and ''often have lower budgets for laboratory equipment and supplies'' than other schools. The study also found that students in those schools ''spend less time in laboratory instruction than students in other schools.'' Rural schools had some of the same problems.

We can not expect our country to be adequately prepared for the future unless all of our students are adequately prepared for the future. And unless we do something to improve the laboratory experience for our low-income, minority, and rural students, we simply won't be prepared. That's why I am proud to re-introduce the Partnerships for Access to Laboratory Science bill, originally championed by Congressman HINOJOSA, which would authorize partnerships between high-need or rural school districts, higher education institutions, and the private sector, with the goal of revitalizing the high school science labs in those schools. The bill creates a pilot program, authorized at $5 million per year, to help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school science lab teachers. This last one is particularly important, because one of the key conclusions from the National Academy report is that ''improving high school science teachers' capacity to lead laboratory experiences effectively is critical to advancing the educational goals of these experiences.'' This bill is strongly supported by a number of scientific and educational organizations, including the American Chemical Society, the American Council on Education, the National Science Teachers Association, and more.

We need to do a lot to ensure that our nation stays competitive throughout the 21st century, and this bill is only one small step. But it is a sorely needed step, particularly for those students who need our help the most. I invite my colleagues to join us in support of this bill, and I look forward to working to enact this important piece of legislation.

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

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

S. 810

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

SEC. 2. GRANT PROGRAM.

Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.''.

SEC. 3. REPORT.

The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by section 2 in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation to carry out this Act and the amendments made by this Act $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN).

S. 812. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I am pleased to join Senators FEINSTEIN, SPECTER, KENNEDY, and HARKIN in introducing the Human Cloning Ban and Stem Cell Research Protection Act of 2007.

It is hard to imagine how far medical science has advanced in only 60 years. Penicillin was made available just in time for D–Day and saved thousands of lives in the Second World War. Before that time, pneumonia or an infected wound was a death sentence. Now, doctors replace damaged organs with heart, liver, kidney, and lung transplants. Cancers that were once fatal can be cured. Lives that were once forfeit to injuries are now saved by medical science. But there is no shortage of diseases that still ravage humanity.

Many scientists believe that we are on the verge of a new revolution in medicine created by human stem cells. The reason stem cells are important to medicine is that many organs cannot make a sufficient number of new cells to replace damaged or lost ones. Stem cells are the only way currently known that has the potential to replace damaged cells in organs such as the pancreas, kidney, heart, brain, and spinal cord.

Two common diseases may be treatable by stem cells sooner rather than later. Diabetes is reaching epidemic proportions in the United States. Diabetes results when pancreatic cells cannot create enough insulin which is needed for the body to use glucose. Human embryonic stem cells can now be coaxed into differentiating into functioning insulin-producing cells and scientists at the NIH have concluded that creation of cells that could be transplantable may soon be possible.

Heart failure is one of the commonest chronic conditions of the elderly. The heart fails when it does not have enough functioning heart muscle. Clinical trials of injection of stem cells into failing hearts to create new muscle tissue are going on around the world as we speak.

And treatment of other common diseases with stem cells is on the horizon. In December of 1999 a group of investigators at Washington University School of Medicine implanted embryonic stem cells in rats with spinal cord injuries. The stem cells became nerve cells and the rats walked. I know families in Utah with spinal cord injured children who pray for such a result in humans. Like the Utah family, the Schmanskis, who flew their daughter Tori to China for stem cell transplantation. And like seventeen-year-old Travis Ashton from Highland, UT, who is raising money for the same procedure to treat his head injury.

Another example of how stem cells may treat common diseases is renal failure which occurs in an estimated 40 percent of critical care patients. Dr. Christof Westenfelder, professor of medicine and physiology at the University of Utah has found that injecting stem cells into failing kidneys improves kidney function, prevents tissue injury, and accelerates regeneration. These few examples of early stage research presage advances that we could only dream of before science knew of the possibilities of stem cells.

But with the promise of stem cells comes responsibility. Scientists are now working with stem cells created by a technique called somatic cell nuclear transfer. In this laboratory procedure, the DNA from the cell of one adult is inserted into an empty egg that has been donated from another adult. The result, if the science develops further, is a collection of stem cells that could become a kidney or liver that is identical to a missing or diseased organ of the donor of the DNA. However, this same collection of stem cells if implanted into a woman's uterus could possibly become a human being identical to the donor of the DNA.

Let me be absolutely clear: I support the use of such stem cells to treat human disease but abhor the possibility of their use for human cloning.

Our bill prohibits human reproductive cloning and imposes criminal penalties for attempting to do so. It provides a firm ethical framework for somatic cell nuclear transfer for therapeutic purposes and establishes stiff civil penalties for not following them.

It specifies that research in somatic cell nuclear transfer must comply with NIH regulations.

It prohibits the use of fertilized eggs for somatic cell nuclear transfer.

It limits maintenance of eggs receiving somatic cell nuclear material to 14 days.

It specifies that the egg must be voluntarily donated and not purchased.

It prohibits purchase or sale of eggs to which DNA has been transferred.

It is our responsibility to promote stem cell research to treat human diseases. It is equally our responsibility to be certain that such research is conducted in accordance with the best ethical standards and that the technology can never be used to clone a human being in the United States.

The majority of the US public supports stem cell research and opposes human reproductive cloning. If we do not act soon to set ethical guidelines for legitimate research and to prohibit research that no one wants to see, then we may lose the chance. We may also lose the opportunity for America to lead the way in the treatment of diseases that are the scourge of mankind.

I urge the Senate to take up this bill and to pass it.

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. 812

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 ''Human Cloning Ban and Stem Cell Research Protection Act of 2007''.

SEC. 2. PURPOSES.

It is the purpose of this Act to prohibit human cloning and to protect important areas of medical research, including stem cell research.

TITLE I—PROHIBITION ON HUMAN CLONING

SEC. 101. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

''CHAPTER 16—PROHIBITION ON HUMAN CLONING

''301. Prohibition on human cloning.

''§ 301. Prohibition on human cloning

''(a) DEFINITIONS.—In this section:

''(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

''(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

''(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

''(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

''(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

''(6) UNFERTILIZED BLASTOCYST.—The term 'unfertilized blastocyst' means an intact cellular structure that is the product of nuclear transplantation. Such term shall not include stem cells, other cells, cellular structures, or biological products derived from an intact cellular structure that is the product of nuclear transplantation.

''(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

''(1) to conduct or attempt to conduct human cloning;

''(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

''(3) to export to a foreign country an unfertilized blastocyst if such country does not prohibit human cloning.

''(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

''(d) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

''(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

''(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

''(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.''.

SEC. 102. OVERSIGHT REPORTS ON ACTIONS TO ENFORCE CERTAIN PROHIBITIONS.

(a) REPORT ON ACTIONS BY ATTORNEY GENERAL TO ENFORCE CHAPTER 16 OF TITLE 18.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the actions taken by the Attorney General to enforce the provisions of chapter 16 of title 18, United States Code (as added by section 101);

(2) describes the personnel and resources the Attorney General has utilized to enforce the provisions of such chapter; and

(3) contain a list of any violations, if any, of the provisions of such chapter 16.

(b) REPORT ON ACTIONS OF STATE ATTORNEYS GENERAL TO ENFORCE SIMILAR STATE LAWS.—

(1) DEFINITION.—In this subsection and subsection (c), the term ''similar State law relating to human cloning'' means a State or local law that provides for the imposition of criminal penalties on individuals who are determined to be conducting or attempting to conduct human cloning (as defined in section 301 of title 18, United States Code (as added by section 101)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(A) describes any similar State law relating to human cloning;

(B) describes the actions taken by the State attorneys general to enforce the provisions of any similar State law relating to human cloning;

(C) contains a list of violations, if any, of the provisions of any similar State law relating to human cloning; and

(D) contains a list of any individual who, or organization that, has violated, or has been charged with violating, any similar State law relating to human cloning.

(c) REPORT ON COORDINATION OF ENFORCEMENT ACTIONS AMONG THE FEDERAL AND STATE AND LOCAL GOVERNMENTS WITH RESPECT TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes how the Attorney General coordinates the enforcement of violations of chapter 16 of title 18, United States Code (as added by section 101), with enforcement actions taken by State or local government law enforcement officials with respect to similar State laws relating to human cloning; and

(2) describes the status and disposition of—

(A) Federal appellate litigation with respect to such chapter 16 and State appellate litigation with respect to similar State laws relating to human cloning; and

(B) civil litigation, including actions to appoint guardians, related to human cloning.

(d) REPORT ON INTERNATIONAL LAWS RELATING TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the laws adopted by foreign countries related to human cloning;

(2) describes the actions taken by the chief law enforcement officer in each foreign country that has enacted a law described in paragraph (1) to enforce such law; and

(3) describes the multilateral efforts of the United Nations and elsewhere to ban human cloning.

TITLE II—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

SEC. 201. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''PART J—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

''SEC. 499A. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH, INCLUDING INFORMED CONSENT, INSTITUTIONAL REVIEW BOARD REVIEW, AND PROTECTION FOR SAFETY AND PRIVACY.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The definitions contained in section 301(a) of title 18, United States Code, shall apply for purposes of this section.

''(2) OTHER DEFINITIONS.—In this section:

''(A) DONATING.—The term 'donating' means giving without receiving valuable consideration.

''(B) FERTILIZATION.—The term 'fertilization' means the fusion of an oocyte containing a haploid nucleus with a male gamete (sperm cell).

''(C) VALUABLE CONSIDERATION.—The term 'valuable consideration' does not include reasonable payments—

''(i) associated with the transportation, processing, preservation, or storage of a human oocyte or of the product of nuclear transplantation research; or

''(ii) to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

''(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with subpart A of part 46 of title 45, or parts 50 and 56 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Ban and Stem Cell Research Protection Act of 2007), as applicable.

''(c) PROHIBITION ON CONDUCTING NUCLEAR TRANSPLANTATION ON FERTILIZED EGGS.—A somatic cell nucleus shall not be transplanted into a human oocyte that has undergone or will undergo fertilization.

''(d) FOURTEEN-DAY RULE.—An unfertilized blastocyst shall not be maintained after more than 14 days from its first cell division, not counting any time during which it is stored at temperatures less than zero degrees centigrade.

''(e) VOLUNTARY DONATION OF OOCYTES.—

''(1) INFORMED CONSENT.—In accordance with subsection (b), an oocyte may not be used in nuclear transplantation research unless such oocyte shall have been donated voluntarily by and with the informed consent of the woman donating the oocyte.

''(2) PROHIBITION ON PURCHASE OR SALE.—No human oocyte or unfertilized blastocyst may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

''(f) SEPARATION OF IN VITRO FERTILIZATION LABORATORIES FROM LOCATIONS AT WHICH NUCLEAR TRANSPLANTATION IS CONDUCTED.—Nuclear transplantation may not be conducted in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.

''(g) CIVIL PENALTIES.—Whoever intentionally violates any provision of subsections (b) through (f) shall be subject to a

civil penalty in an amount that is appropriate for the violation involved, but not more than $250,000.''.

Mrs. FEINSTEIN. Mr. President, today Senators HATCH, KENNEDY, SPECTER, HARKIN and I are introducing legislation to ban human reproductive cloning, while ensuring that important medical research goes forward under strict oversight by the federal government.

The Human Cloning Ban and Stem Cell Research Protection Act of 2007 would create a straightforward ban on human reproductive cloning. Despite disagreements over various types of biomedical research, there is near unanimous agreement that scientists should not create human clones.

At the same time, this legislation will enable research to be conducted that provides hope to millions of Americans suffering from paralysis and debilitating diseases including juvenile diabetes, Parkinson's, Alzheimer's, cancer and heart disease.

The concerns with human reproductive cloning are many, and are both scientific and ethical in nature. The National Academy of Sciences explains that using cloning, or nuclear transfer to create a child could require hundreds of pregnancies and result in many abnormal late-term fetuses. Some scientists question whether a human clone could ever be created without significant abnormalities.

These concerns led the National Academy of Sciences to conclude that there is an ''ethical and scientific consensus that nuclear transfer for reproductive purposes has no place in legitimate research.''

That's why this legislation will make it a crime to clone a human being, or attempt to clone a human being by implanting cells that result from nuclear transplantation into the uterus (there are no exceptions); prohibit the shipment of the product of nuclear transplantation in international or interstate commerce for the purposes of human cloning; prohibit the export of an unfertilized blastocyst, a form of an embryo 5 to 7 days after conception, to any foreign country that does not ban human cloning.

These prohibitions ensure that valuable research undertaken in the United States will not be shipped abroad and used to create a human clone in a country without restrictions.

These prohibitions are supported by strict penalties, including: A maximum ten-year prison term for cloning, or attempting to clone a human being; a fine of either $1 million, or three times any profits made for any human cloning attempt. A violator is subject to whichever fine is greater, and these financial penalties are in addition to prison time.

Any real or personal property used to commit a violation of this ban, or derived from violation of this ban, will be subject to forfeiture.

The time to pass a legal framework for addressing reproductive cloning is now, before any rogue scientist successfully creates a human clone.

At the same time, this legislation does not prohibit scientists from working with embryonic stem cells in the hopes of discovering cures and treatments for dozens of catastrophic diseases.

This legislation draws a bright line between human reproductive cloning and promising medical research using somatic cell nuclear transplantation for the sole purpose of deriving embryonic stem cells.

Somatic cell nuclear transplantation is the process by which scientists derive embryonic stem cells that are an exact genetic match as the patient. Those embryonic stem cells will one day be used to correct defective cells such as non-insulin producing cells or cancerous cells. Then those patients will not be forced to take immuno-suppressive drugs and risk the chances of rejection since the new cells will contain their own DNA.

It is truly astonishing that somatic cell nuclear transplantation research may one day be used to regrow tissue or organs that could lead to treatments and cures for diseases that afflict up to 100 million Americans. What we are talking about here is research that does not even involve sperm and an egg.

I believe it is essential that this research be conducted with federal government oversight and under strict ethical requirements.

That is why the legislation mandates that eggs used in this research be unfertilized and—prohibits the purchase or sale of unfertilized eggs to prevent ''embryo farms'' or the possible exploitation of women by coercing them into egg sales.

Imposes strong ethics rules on scientists, mandating informed consent by egg donors, and include safety and privacy protections;

Prohibits any research on an unfertilized blastocyst after 14 days—After 14 days, an unfertilized blastocyst begins differentiating into a specific type of cell such as a heart or brain cell and is no longer useful for the purposes of embryonic stem cell research;

Requires that all egg donations be voluntary, and that there is no financial or other incentive for egg donations;

Requires that nuclear transplantation occur in labs completely separate from labs that engage in in vitro fertilization.

And for those who violate or attempt to violate the ethical requirements of the legislation, they will be subject to civil penalties of up to $250,000 per violation.

To be clear, this is research that involves an unfertilized blastocyst. No sperm are involved. It is conducted in a petri dish and cannot occur beyond 14 days. It is also prohibited from ever being implanted into a woman to create a child.

For those who believe that the clump of cells in a petri dish that we are talking about is a human life, that is a moral decision each person must make for himself, but to impose that view on the more than 100 million of our parents, children and friends who suffer from Parkinson's, diabetes, Alzheimer's and cancer is immoral.

The voters of Missouri affirmed this approach in 2006, approving a State ballot initiative banning reproductive cloning, while protecting important and potentially lifesaving medical research. In the absence of Federal guidance, many other states are taking action, sometimes contradictory.

Sixteen States have passed laws pertaining to human cloning.

Thirteen of these States prohibit reproductive cloning—Arkansas, California, Connecticut, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Dakota, Rhode Island, South Dakota, Virginia.

Five States prohibit biomedical research like somatic nuclear transfer, Arkansas, Indiana, Michigan, North Dakota, South Dakota.

Six States explicitly permit it, New Jersey, California, Missouri, Connecticut, Massachusetts, Iowa.

It is time to standardize these policies, under a common set of ethical guidelines. This patchwork of laws will result only in confusion, forbidding some researchers from conducting lifesaving research, while their colleagues in a neighboring state receive state funding to do the same work.

Just like we have observed with the President's prohibition on embryonic stem cell research, this uncertainty is forcing our best and brightest researchers overseas, to countries that fully embrace the promise of embryonic stem cell research.

They have a number of overseas options: The United Kingdom is providing at least $80 million to fund ongoing research, including somatic cell nuclear transfer research. This is helping to attract scientific talent from all over the world, including the United States.

Roger Pedersen, a renowned scientist, left the University of California San Francisco in 2001, citing the unfriendly research climate in the United States. He is now conducting human stem cell research at Cambridge University in the United Kingdom.

He and his UK team are exploring the biology behind pluripotent, or multipurpose stem cells, and looking for ways to use them for treatments.

The Australian Parliament lifted a ban on therapeutic cloning research in December 2006.

It will allow Australian scientists to fully pursue important cures, and now provides an attractive alternative for American scientists who do not want to wait any longer for Federal guidance.

It is time to provide some certainty and sanity in our national policy. We must stop unethical human reproductive cloning, while unleashing our scientists to develop cures for catastrophic diseases that impact millions.

I urge the Senate to take up and pass this bill and help turn the hopes of millions of Americans into reality.

By Mr. SPECTER:

S. 813. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

Mr. SPECTER. Mr. President, the first bill which I am introducing, and that is to permit attorneys to deduct payment of litigation costs as ordinary and necessary business expenses. In litigation, illustratively on a personal injury claim, the plaintiff frequently is without funds and can only move forward with the litigation on a contingency fee basis. In these situations, it is customary for the attorney to advance the costs of filing fees, depositions, and other costs there may be. The Internal Revenue Service has taken the position that those are loans from the attorney to the client, so the attorney cannot immediately deduct litigation payments as ordinary business expenses. If the litigation costs are treated as ordinary business expenses, the attorney would be able to deduct the expenses as they are incurred.

The Ninth Circuit has held that the Internal Revenue Service is wrong. As a result, attorneys in States within the Ninth Circuit can deduct as ordinary and necessary expenses advances on litigation. This legislation would make it explicit under the Internal Revenue Code that these advanced costs could be deducted by attorneys across the country.

Again, I ask that the RECORD contain my extemporaneous comments and the explanation as to why there is some repetition in the formal statement which I now ask unanimous consent be printed in the RECORD, as well as the two bills which follow these two pieces of legislation which I am introducing.

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

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT ATTORNEYS TO DEDUCT PAYMENT OF LITIGATION COSTS AS ORDINARY AND NECESSARY BUSINESS EXPENSES

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation amending the Internal Revenue Code to permit attorneys to deduct payments of litigation expenses on behalf of contingency fee clients as an ordinary and necessary business expense. The IRS deems these advances to be loans, so the attorney cannot immediately deduct litigation related payments as ordinary expenses. If the payments are treated as ordinary and necessary business expenses, the attorney receives the benefit of being able to deduct the expenses as they are incurred, and to recognize the income associated with those expenses if and when damages are recovered, which may be years later.

In part because the IRS deems these payments to be loans, and State canons of legal ethics—based on common law of medieval England—prohibited loans to clients, contingency fee lawyers for many years were not able to pay these expenses. In the latter part of the 1800s States began permitting attorneys to advance client expenses as long as the client remained obligated to repay the advances. Even for their indigent clients, if there ultimately was not an award, attorneys were required to seek repayment. The ABA Model Rule has been updated to state that ''a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter.'' Many States model their rules on these Model Rules, and their ethics rules have been updated, but the Internal Revenue Code has not. Because my bill appropriately treats payments of costs under contingency fee arrangements as ordinary business expenses, attorneys may structure their fee contracts in ways that do not run afoul of State ethics rules.

In addition, I note that tax treatment of these payments is not consistent across all jurisdictions. In Boccardo v. Commissioner, 56 F.3d 1016 (9th Cir. 1995) the Ninth Circuit disagreed with the IRS and held that advances on behalf of clients were ''ordinary and necessary expenses'' in contingency cases with ''gross fee'' contracts. So the rule is different in States in the Ninth Circuit; the IRS continues to take the position that expense advances are not deductible as ordinary and necessary business expenses in other jurisdictions. This different treatment is neither logical nor equitable.

This change will encourage lawyers to represent those who may not otherwise be able to pay an attorney for his work. This is good policy and common sense.

S. 813

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

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR ATTORNEY FEES AND COSTS IN CONNECTION WITH CIVIL CLAIM AWARDS.

(a) IN GENERAL.—Paragraph (20) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(20) COSTS INVOLVING CIVIL CASES.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any action involving a civil claim. The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of a judgment or settlement (whether by suit or agreement and whether as lump sum or periodic payments) resulting from such claim.''.

(b) CONFORMING AMENDMENT.—Section 62 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fees and costs paid after the date of the enactment of this Act with respect to any judgment or settlement occurring after such date.

By Mr. SPECTER.

S. 814. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce two bills relating to tax deductibility which impact unfairly on claimants and plaintiffs in litigation and on attorneys. The second bill relates to permitting a taxpayer to deduct expenses for attorney's fees in contingency fee cases. For example, if a plaintiff secures punitive damages of $15,000 and the attorney collects one-third contingency, $5,000 goes to the attorney. Under current law, the plaintiff is required to pay taxes on the full $15,000 without an above the line deduction for the $5,000 paid on attorney's fees. This is a result of technicalities of the Internal Revenue Code. My bill would clarify the tax law and will ensure consistent and fair treatment of taxpayers.

Mr. President, I have just made an extemporaneous statement on the essence of the floor statement, and I now ask unanimous consent that the full floor statement be printed in the RECORD and that there be included the segue of why there is some repetition of what I have just said and the written formal statement itself.

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

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT TAXPAYER DEDUCTIONS FOR ATTORNEYS' FEES IN AN AWARD OF DAMAGES OR SETTLEMENT OF LEGAL CLAIMS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will allow taxpayers to subtract from their gross income, in arriving at adjusted gross income, the attorneys fees and court costs paid by, or on behalf of, the taxpayer in connection with any income from any settlement of legal claims or award of damages. This is known as an ''above the line'' deduction.

This change does not affect the requirement that attorneys pay federal income tax on legal fees they receive. What it does eliminate is the inequity of the client also paying tax on those same fees, when the client not entitled to, and did not receive that money under the terms of a contingency fee contract.

The tax treatment of these contingency fees is determined through a patchwork of rules that are confusing and inequitable. The legislation would ensure more uniform treatment of contingency fees in all types of litigation and across jurisdictions. In particular, it will eliminate situations in which a plaintiff's recovery may be diminished, primarily as a result of the Alternative Minimum Tax (AMT), by taxation at a rate of approximately 60 percent on the taxpayer's net recovery, after contingency fee.

This change is common sense and will ensure consistent and fair treatment of taxpayers. Congress never intended that the attorneys' portion of recoveries should be included in taxable income—whether for regular income or alternative minimum tax purposes.

Section 61(a) of the Code requires taxpayers to include in their gross income ''all income from whatever source derived,'' absent a contrary provision in the Code. Awards for physical personal injury, other than punitive damages, are not taxable (26 U.S.C. 104(a)(2)). Awards of fees in cases primarily related to employment may be deducted ''above the line'' as a result of the American Jobs Creation Act.

With these exceptions noted above, the Code treats taxpayers as having received the entire amount of any award or settlement (including any contingency fee portion). This means that for awards based on certain claims or for punitive damages, the taxpayer

must include in adjusted gross income the entire award, even though the true benefit or income to the taxpayer after contingency fees and costs may be only 50 percent or 60 percent of the award. This ''net'' then is reduced by what many believe are unfair taxes because, even though the fees may be taken as a miscellaneous itemized deduction under Section 212, which provides for deduction for expenses incurred for the production of income, this category of deductions is subject to disallowance under the AMT, and a phase out of itemized deductions under the regular tax code.

Accordingly, the current tax structure, when coupled with the compensation arrangement found in contingency fee contracts, generally (1) creates an enormous tax burden, especially for lower income individuals who often have contingency fees as their only avenue of obtaining legal counsel; and (2) may drive up settlement costs as a result of the serious diminution of the plaintiffs actual award after taxes.

An illustration of the tax inequities and inconsistencies follows: an individual/client who obtains $500,000 in a legal settlement on a fraud claim, who incurs $200,000 in legal fees and costs, and nets only $300,000, still may owe AMT on $500,000, and would have to pay approximately $160,000, or about 60 percent of the damage award, in federal and state taxes. This leaves the client with only $140,000 of an award intended to compensate the client in the amount of $500,000.

This clarification of tax law is common sense and will ensure consistent and fair treatment of taxpayers, especially those who can get representation only on a contingency fee basis. I encourage my colleagues to consider this legislation and join me in helping to correct this unfair situation.

S. 814

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

SECTION 1. DEDUCTION OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—There shall be allowed as a deduction under this section any expenses and court costs paid or incurred by an attorney the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expenses and costs relate. Such deduction shall be allowed in the taxable year in which such expenses and costs are paid or incurred by the taxpayer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses and costs paid or incurred after the date of the enactment of this Act, in taxable years beginning after such date.

By Mr. CRAIG:

S. 815. A bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to talk a little bit about recent events reported in the media surrounding the care and housing provided to our returning, injured service members from Iraq and Afghanistan. Walter Reed, of course, is an Army-run facility. As such, it does not fall under the jurisdiction of the Veterans' Committee, which I am proud to lead along with my Chairman, Senator AKAKA.

Never-the-less, the American public—rightly—does not care who runs the place or who oversees it in Congress. Collectively, VA and DOD make up a system of services provided to active and former members of our Armed Forces.

Of course, we have all read about the poor conditions in Building 18 at Walter Reed. I am not here on the floor today to defend poor physical infrastructure. It is bad, a free press reported it, senior officials were held accountable, and it is being fixed.

I am here instead to talk about how the justified uproar over the conditions at Walter Reed seems to have provided an opportunity for some of my colleagues on the other side of the aisle to hone in on new strategy for criticizing the war. The strategy appears to me to be one of ''questioning the competency'' of those who work in our Federal system caring for our wounded servicemembers.

Now I don't want to accuse anyone of politicizing the care and treatment of our most deserving citizens. But, I have to wonder when I hear my friends on the other side of the aisle using a slight variation on one of their ''catchphrases'' from the 2006 elections. I've heard one of my colleagues lament the ''culture of command'' in the military as the reason for poor conditions at Walter Reed.

I don't really know what the ''culture of command'' means, other than it sounds a lot like phrases used during the last election. But this time they are using that playbook with the care provided by the 220,000 dedicated employees of the VA health care system.

Speaking of which, I want to caution my colleagues who have used the case of the young veteran from Minnesota who tragically took his own life a few weeks ago as an example of what is wrong with the VA health care system. Some of us on the Veterans' Committee have been briefed thoroughly about all of the facts in this case. And while HIPPA prevents VA from defending itself in this situation, I am not so constrained.

That said, I do not intend to reveal at this time the facts surrounding this case. But, I believe all of my colleagues would tone down their rhetoric on this example if all of the facts known to me were known to them.

Still, there is no question that every individual instance of poor care or treatment is a tragedy. And, every one of them should be investigated. There should be accountability at the highest levels. And there should be consequences if VA is found to have been responsible for inappropriate treatment.

But I have to say that using anecdotes of horribly unfortunate situations, such as the Minneapolis tragedy to castigate an entire system of health care and the people who provide is not fair. It is simply not fair.

But then again politics sometimes has no fairness.

Over the past 2 weeks, more than one Member has come to the floor or spoken in the press about how the VA system is failing our wounded service men and women. Frankly perhaps we have failed them by not taking actions to make those wounded in service the priority that we say they are.

Instead, all I hear from Members on the other side is: we haven't given VA enough money. In fact, I hear we are preparing to throw $5 billion at the VA in the supplemental Appropriations bill.

I find that to be very interesting especially when I consider that this Senate just 3 weeks ago passed an FY 2007 Joint Funding Resolution written wholly by the new majority.

This is what some of my colleagues had to say about the money provided in that bill for VA's health care system. One Senator from the majority said: ''We have included an increase of $3.6 billion . . . so that the VA can continue to meet the growing demand for health care for our veterans.''

Another said: ''If we do not pass this resolution, which includes needed funding for the veterans health care system, we will have no one to blame but ourselves.''

And still another Senator from the majority had this to say arguing for passage of the FY 2007 Resolution: ''We need a VA budget for the current year that meets their needs.''

Yet now I hear that the VA is chronically under funded. The first chance the new majority had to provide all of the funding they believed was needed was 3 weeks ago. That's right, just 3 weeks ago. And apparently they neglected to do so.

Frankly, I think the budget for 2007 was an excellent budget. And I voted for it. So, I am not going to run away from that right now. And I certainly don't know if I can support throwing $5 billion at it because the media is watching. Instead, I have a different idea.

I don't want to wait for a commission to report to me on the findings of their review of the VA health care system. Those findings will be important, of course. I thank Senator DOLE and Secretary Shalala for their willingness to once again serve.

But, I say that we already have our own commission and our own investigators on the ground every single day. They are the veterans who use the VA health care system. And overwhelmingly they are proud of their health care system.

In fact, I am so confident that the vast majority of our veterans feel that way that I announce today that I will introduce legislation to give ANY service-connected disabled veteran the choice to go to any medical facility in the United States.

I understand that it may sound like I am agreeing with my Democratic colleagues and that I have lost faith in the VA health care system. Nothing could be further from the truth. Why? Because I believe the vast majority of our veterans will choose to stay right where they are—in the VA.

Our veterans know that VA is not a bunch of nameless, faceless bureaucrats who deserve to be vilified at the drop of a political hat. Instead our veterans see everyday the caring dedicated men and women who treat them as they should be treated—with respect and compassion.

Veterans overwhelmingly will continue to come to the VA because of its people. They are some of the most caring individuals in government. And they provide some of the highest quality of care in the country. So, I believe in empowering our veterans with this selection because I believe our veterans will select VA.

It's not just me who believes in VA. For the seventh year in a row VA's health care system outscored the private sector in the University of Michigan's Consumer Satisfaction Survey:

Ninety-one percent of VA's patients rated VA as having good customer service;

Eighty-four percent of VA's patients were satisfied with their inpatient care compared to the private sector average of just 73 percent; and

Eighty-two percent are satisfied with their outpatient care compared with just 71 percent on average in the private sector.

You might say: ''Well, then 10 or 16 percent were not satisfied and that's a disgrace.'' I agree. We should strive for 100 percent satisfaction.

But what we should not do is force our most deserving citizens to stay in a system for their health care while we talk about how to study it or while we throw money at it and declare we've done something.

I want to be clear. I think the number of veterans who don't trust VA for their care is small. But I also think that if they've been injured while serving this Nation, then we should not force even a small number of them to keep coming to us if they don't trust us.

We have all of the objective studies, articles, and reviews that say we're good. Now let's find out what our veterans think. If they leave in droves, then we'll learn something. But if they stay, as I think they will, then we'll learn something too.

So I say to my colleagues if you don't believe that our doctors and nurses are providing the best care in the best facilities right now, then I invite you to join me in giving those with service-connected disabilities the option to pick up tomorrow and go to a facility they trust.

Don't just stand up and throw money at it. Stand in the well of the Senate and vote to empower our heroes by providing them with immediate relief.

By Mr. SANDERS:

S. 818. A bill to expand the middle class, reduce the gap between the rich and the poor, keep our promises to veterans, lower the poverty rate, and reduce the Federal deficit by repealing tax breaks for the wealthiest one percent and eliminating unnecessary Cold War era defense spending, and for other purposes; to the Committee on Finance.

Mr. SANDERS. Mr. President, in several weeks, the Senate will begin its deliberations on the fiscal year 2008 budget resolution. It is my strong belief that the Senate must pass a budget that will expand the shrinking middle class, that will reduce the enormous and growing gap between the wealthy and the poor, that will keep our promises to our Nation's veterans, that will reduce our recordbreaking national debt and lower the poverty rate. That is what this Senate should be focusing on.

Simply stated, in my opinion, the way for us to move in that direction is to repeal the President's tax breaks that have been given to the wealthiest 1 percent, the people who need it the least and, in addition, for us to take a hard look at the Pentagon, take a hard look at the waste and the fraud and the unnecessary weapons systems that are existing in the Pentagon right now. We don't need weapons systems that were designed to fight the Soviet Union; we need an approach to fight al-Qaida.

I think we can find billions of dollars in savings when we look at the military budget as well. The bill I am introducing today, the National Priorities Act, will in fact accomplish these goals.

A budget is more than a long list of numbers.

A budget is a statement about our values, our priorities, and the time is long overdue for the United States Congress to get its priorities right, to begin to stand up for the middle class and working families of this country, rather than multinational corporations and the wealthiest people who, year after year after year, have so much power over this institution.

Let me do what is too rarely done on the floor of this Senate, and that is take a hard and cold look at the reality facing the American middle class and working families of this country.

As a member of the Budget Committee, every week we have somebody from the President's administration coming before us, and they tell us the economy is doing great; it is marvelous. The people of Vermont and the middle class of this country don't believe it because every single day they are seeing an economy which is forcing them, in many instances, to work longer hours for lower wages, an economy in which they wonder how their kids are going to get decent-paying jobs, an economy which suggests that for the first time in the modern history of our country, our children, if we do not change our direction, could have a lower standard of living than we do.

What the American dream has been about is that our parents worked hard so that we could have a better life than they did, and that is what we want for our kids. But unless we make fundamental changes in the way this economy is working, the likelihood is that our kids, despite a huge increase in worker productivity, despite technology, will have a lower standard of living than we do, and we must not allow that to happen.

Since President Bush has been in office, more than 5 million Americans have slipped into poverty. We are seeing an increase in the rate of poverty in the United States, including 1 million more children. Not only does the United States have the highest rate of poverty of any major country on Earth, we also, shamefully, have the highest rate of childhood poverty in the industrialized world.

I know there is a whole lot of talk about moral values on the floors of the Senate and the House. To my mind, having the highest rate of childhood poverty in the industrialized world is not a moral value. It is a disgrace. It is a shame. It is time we in this country paid attention to the children rather than the wealthiest people.

According to the U.S. Census Bureau, the childhood poverty rate is nearly 18 percent. Other studies suggest that it might be higher.

Some people say: Well, that's the way it goes. Well, that is not the way it goes among other major countries in the world. In Germany, the childhood poverty rate is 9 percent; in France, it is less than 8 percent; in Sweden, it is less than 7 percent; in Norway, 4.2 percent; in Finland, 3.4 percent. If other countries can have childhood poverty rates of less than 5 percent, so can the United States of America.

Just one example. Our allies in Great Britain made a commitment to end childhood poverty and they have reduced the childhood poverty rate by over 20 percent since 1999. At the same time, child poverty in the United States increased by 12 percent. If we make the commitment, we can do that.

Let's take a look at our health care situation. The costs of health care, as everybody in this country knows, are soaring. The number of people without health insurance has risen to a record high of 46.4 million in the year 2005. That is an increase of almost 7 million more Americans lacking health insurance since President Bush took office.

While the President continues to cut taxes for millionaires and billionaires, the lack of health insurance kills many more Americans each year than September 11 and Katrina combined. In fact, the National Academy of Sciences estimates that 18,000 Americans die each year because they lack health insurance.

In my view, the United States of America must join the rest of the industrialized world. We must guarantee health care to all of our people as a right of citizenship. While I know some

people say we can't afford to do it, I would argue that at a time when we are spending more than twice as much per capita on health care as any major nation on Earth, we can do that. We can provide quality health care to every man, woman, and child as a right of citizenship without spending a nickel more than we are presently spending. But to do that, we must be honest. We are going to have to take on the insurance companies. We are going to have to take on the drug companies. We are going to have to take on the multinational corporations that benefit out of our health care system and say that when we spend money for health care, it should go to health care not for profiteering.

Health care is not just a human rights issue, it is not just a moral issue, it is an economic issue as well. Small businesses cannot survive if they are forced to pay huge increases in health care premiums each and every year. That is true in the State of Vermont. That is true all over America. More and more small businesses are simply saying: We can't do it; we can't provide health insurance to our workers—which is one of the reasons the number of uninsured is going up.

In addition to the health care crisis, there is an area within health care that I want to focus a lot of attention on, and that is the crisis in dental care. In rural America, in rural Vermont it is becoming very difficult for people to find a dentist. The Surgeon General has reported that tooth decay has become the single most common chronic childhood disease, five times more common than asthma and seven times more common than hay fever.

I will be introducing legislation to address the dental crisis in this country. I do not want to see kids in schools have teeth rotting in their mouths. We can do better than that.

In terms of education, millions of middle-class American families are finding it increasingly difficult to afford the escalating cost of a college education with average tuition and other costs increasing by more than $4,300 at a 4-year public university and over $8,000 at a 4-year private college since 2001.

We all understand that young people are not going to make it into the middle class unless they get a college education. We all understand that our Nation is not going to be economically competitive if our young people do not get the best college education they possibly can. Yet all over our country, middle-class families are saying: How am I going to be able to afford to send my kids to college? And young people are graduating college on average about $20,000 in debt. If they are lower income, they may come out of college $30,000, $40,000 in debt.

If we are serious in what we say about the importance of education, we have to make college education affordable to every family in this country. We don't want to lose the intellectual capital of millions of young people who are sitting there wondering: Can I afford to go to college? Do I want to come out of college deeply in debt?

Last year, 35 million Americans in our country, the richest country in the history of the world, struggled to put food on the table—struggled to put food on the table. The Agriculture Department recently reported that the number of the poorest, hungriest Americans keeps going up.

What is going on in this great country when more and more of our fellow Americans are going hungry and are struggling to put food on the table? This should not be happening in America. But it is not only hunger, we have an affordable crisis in housing as well. Today millions of working Americans are paying 50 to 60 percent of their limited incomes to put a roof over their heads, and we have families in the United States of America—families—who are sleeping in their cars, children who are sleeping in cars, and we have people, as we all know, who continue to sleep out on the streets of cities and towns all over America.

Last year, there were 1.2 million home foreclosures in this country, an increase of 42 percent since 2005.

When we talk about the needs of the middle class, it is not just affordable housing. The issue of energy is a prominent issue that must be addressed. The cost of energy has risen rapidly. Since President Bush has been in office, oil prices have more than doubled and gasoline prices have gone up by 70 percent since January of 2001, and gas prices are soaring as I speak. In rural States, such as my State of Vermont, such as Minnesota, workers get into their cars, they fill up their gas tanks, and suddenly they are finding that increased cost is coming right out of their paycheck. They are not making much more money. The cost of gas is going up.

In America today, the bottom line is that millions of American workers are working longer hours for lower wages. The median income for working-age families has declined 5 years in a row. Husbands are working long hours, wives are working long hours, kids in high school are working trying to make ends meet, and in many instances people are falling further and further behind.

Today, incredible as it may sound, the personal savings rate in America is below zero, and that has not happened since the Great Depression of the 1930s. In other words, all over this country, working people and people in the middle class are purchasing groceries and other basic necessities with their credit cards and are going, in the process, deeper and deeper in debt.

Over the past 6 years, when we talk about the economy and decent-paying jobs, we should recognize that as a nation, we have lost 3 million manufacturing jobs which often pay people good wages and good benefits. In my own small State of Vermont, we have lost 10,000 manufacturing jobs in the last 6 years, which is 20 percent of the manufacturing jobs in our small State.

The reality is that if somebody loses their manufacturing job and they are lucky enough to find another job, in most cases, that other job will pay substantially lower wages and have worse benefits than the manufacturing job they have lost.

Today, 3 million fewer American workers have pension coverage than when President Bush took office, and half of private sector American workers have no pension coverage whatsoever. I have long been involved in the struggle to make sure that workers have been able to retain the pensions that were promised to them by their employers. But we are seeing more and more workers who have enormous pension anxiety: Is the pension that was promised to me 20 years ago when I began to work in this company going to be there when I need it, when I retire? More and more workers are finding that will not be the case.

One thing we do not often talk about is just how hard the people in our country are working. We kind of forget about that. But the fact is, the people, working people in this country, now work the longest hours of any people in the industrialized world. In my State of Vermont, it is absolutely not uncommon to see people who are working not one job, not two jobs, but on occasion working three jobs trying to cobble together an income, trying to cobble together some health care for their families. People are working 50 hours, 60 hours, 70 hours.

The New York Times reported a while back that the idea of the 2-week paid vacation is becoming something of history. So we have people who are working 51 weeks a year, and there are people working 52 weeks a year. That is what is going on in the middle class and working families of our country.

The reason I raise these issues is that it is terribly important to bring a dose of reality to the floor of the Senate.

When the President tells us the economy is doing great, the truth is that he is right, in one sense. The economy is not doing well for the middle class. It is not doing well for working families. Poverty is increasing. But the President is right when he says the economy is doing well for the wealthiest people in this country. That is true. The rich are getting richer, the middle class is shrinking, and poverty is increasing. That is the reality.

The reality is that the upper 1 percent of the families in America today, that 1 percent has not had it so good since the 1920s. According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion. The 400 wealthiest Americans are worth $1.25 trillion.

Sadly, the United States today—and I know we don't talk about this too much, but it is important to bring it out on the table—the United States

today has, by far, the most unequal distribution of wealth of any major country on Earth and the most unequal distribution of income of any major country on Earth, and that gap between the rich and everybody else is growing wider. Today, the wealthiest 13,000 families in America earn nearly as much income as the bottom 20 million, and the wealthiest 1 percent own more wealth than the bottom 90 percent. Let me repeat that: 13,000 families earn almost as much income as the bottom 20 million, and the richest 1 percent own more wealth than the bottom 90 percent. That trend is very dangerous for our country. It suggests we are moving in the direction of an oligarchy, where a small number of people have incredible wealth and, with that wealth, incredible power, at the same time as the vast majority of our people are struggling just to keep their heads above water. We as a nation can do a lot better than that.

According to a December 2006 report by the Congressional Budget Office, the average after-tax income of the wealthiest 1 percent of households rose from $722,000 in 2003 to $868,000 in 2004. After adjusting for inflation, that is a 1-year increase of nearly $146,000, or 20 percent. This represents the largest increase in 15 years measured both in percentage terms and in real dollars.

Now, what does that mean in English? What it means in English is that the wealthiest people in this country are doing phenomenally well, that is what it means, while a lot of other people are struggling very hard to keep their families afloat.

Why have I given this overview of the state of the economy? I have given this overview because I believe we need a budget that begins to address the realities I have just discussed. We need a budget that says to the middle class and working families and low-income Americans: We know you are hurting; we are on your side. At the same time, we need a budget that says to the very wealthiest people in this country: You know what, you are part of America, too. Your incomes are soaring. If you are a CEO of a large corporation, you are making 400 times what the worker in your company is making. You know what, we want you to be part of America, and you have to make some sacrifices so the people in this country don't go hungry and so working-class kids can get a college education. Join America. Don't be separate with your huge incomes.

The President has just, as you know, introduced his budget. He has told us that in his budget, the United States does not have enough money to meet the health care needs of this country. His response is to inadequately fund the Children's Health Insurance Program and to cut Medicare and Medicaid by $280 billion over the next decade.

The President has told us we don't have enough money to take care of our veterans, and we all have seen recently what has been going on at Walter Reed Hospital. The President has said that despite the fact that we have 22,000 wounded in Iraq and that we have veterans on waiting lists all over this country, we just don't have the money to take care of our veterans.

The President has told us we don't have enough money for childcare; we don't have enough money for dental care; we don't have enough money for special education; we don't have enough money to address the crisis in global warming; we don't have enough money to make sure qualified students have access to a quality education without going deeply into debt.

The President has told us we don't have enough money to fully fund Head Start, that we don't have enough money to expand the earned income tax credit.

That is what the President has told us.

The President, in his budget, has also told us something else. The President has said we don't have enough money for the needs of the middle class and working families, but we do have enough money to provide $70 billion in tax cuts for the wealthiest 1 percent and that we really don't have to take a hard look at the Pentagon and all the waste, the fraud, and the unnecessary weapons systems that are in that institution.

In my view, these upside-down priorities have to be changed, and that is the responsibility of this Senate. The bill I am introducing today will begin to turn our national priorities in a very different direction from that which the President is suggesting.

The National Priorities Act will repeal tax breaks for the wealthiest 1 percent in 2008 and eliminate $60 billion in waste, fraud, and abuse at the Pentagon and use that money to do the following. In other words, what we are doing is we are going to ask our wealthy friends who have received huge tax breaks to start paying a little bit more in taxes. We are going to ask the Pentagon to take a hard look at their huge budget and eliminate waste, fraud, and abuse. We are going to be raising about $130 billion to do that.

Now, let me tell you what we can do with that $130 billion. We can provide health care services for over 4 million Americans by increasing investments in federally qualified health centers and by raising funds substantially for the National Health Service Corps. In my State and all over America, federally qualified health centers are providing cost-effective quality health care to millions of people. By increasing funding and expanding these programs, putting more money into these programs, we can provide high-quality health care, dental care, mental health counseling, and low-cost prescription drugs, and we can do it in a cost-effective way. We can make a serious effort to provide primary health care to every man, woman, and child in this country. That is what we can do.

We can expand access to dental care. By providing $140 million more for workforce, capital, and equipment needed, we can address in a significant way the dental care crisis in this country.

We can provide health insurance to over 8 million children not covered by expanding the CHIP program, Children's Health Insurance Program, by over $15 billion. In my State of Vermont, almost all of our kids have health insurance. The rest of our country should move in that direction. It is not acceptable that children in America do not have health insurance. We can do that through this legislation.

We can address the crisis in terms of inadequate funding in the VA and make sure that all of our veterans get the health care they were promised, the health care they deserve. That is what this budget does.

We also, in this budget, ensure that working families with children have access to affordable childcare by increasing investments in the childcare development block grant by over $2 billion. It is a national outrage that all over this country working families cannot find good, quality affordable childcare. Single moms are going off to work, and they are worried. They worry deeply about the quality of care their children are receiving. It is a major crisis. This legislation provides the funds to address that crisis.

Head Start has been a successful program. This legislation provides the funding to allow every qualified child in America to receive early education, nutrition, and health services by fully funding the Head Start Program.

In my State of Vermont and, again, all over this country, higher and higher property taxes are causing very serious problems for middle-class families, splitting communities apart. This legislation will lower property taxes by keeping the Federal commitment to provide 40 percent of the cost of special education for about 7 million children with disabilities. Mainstreaming kids with disabilities is a good idea. It is the right thing to do. The Federal Government has not kept the promises it has made to school districts all over this country. We have to increase funding substantially for special education, not, as the President wants, cut funding for special education. This bill does that.

This bill provides an additional 330,000 students with Pell grants and increases its purchasing power for over 5.4 million other students by doubling the maximum Pell grant. In other words, we want our young people to be able to go to college. We do not want them to come out in debt. This legislation does that.

This legislation instills low-income high school students with the skills and opportunity they need to go to college by increasing the TRIO and GEAR UP education programs by 50 percent.

This legislation creates more than 200,000 jobs by increasing investments in renewable energy, energy-efficient appliances, public transportation, and

high-speed rail. By making our environment cleaner, by attacking and reversing global warming, we can create hundreds of thousands of jobs. That is what this legislation does.

This legislation addresses the crisis in affordable housing by creating 180,000 jobs in constructing, preserving, and rehabilitating affordable housing rental units.

This legislation reduces taxes by $400 to $1,134 per year for 10 million American workers and families with children by expanding the earned-income tax credit.

This legislation reduces the deficit by $30 billion.

To be very honest, I do not expect this legislation to be passed tomorrow, probably not even the next day. What this legislation is doing, though, is providing the Congress with a blueprint, and it is a very simple blueprint. It says: Which side are you on? It says that when those people who come before us and say: Yes, we understand there is a health care crisis; we just can't afford to do anything about it; we understand there is a childcare crisis, there is a housing crisis, there is a crisis in terms of the affordability of higher education, but we just can't do anything about it. We just don't have the money. What this legislation does is say: Yes, we do have the money. We do have the money if we rescind the tax breaks that go to millionaires and billionaires, if we ask the Pentagon to preserve, to make sure we continue to have all the resources we need for our soldiers and the strongest military in the world but take a hard look at waste, fraud, abuse, and weapons systems we don't need. If you do those two things, we can come up with $130 billion. With that $130 billion, we can address the major problems facing our country, and we can lower our deficit.

I hope that my fellow colleagues will give serious thought to this legislation and that we can move it forward.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, Mr. SCHUMER, Mrs. LINCOLN, and Mr. COLEMAN):

S. 819. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm pleased to be joined by Senators SNOWE, KERRY, SMITH, SCHUMER, LINCOLN and COLEMAN in re-introducing legislation we call the Public Good IRA Rollover Act. This legislation allows taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity.

Last summer, the Congress passed and the President signed into law a major bill to reform our pension laws. This 392-page bill contained a little noticed but important new charitable giving tax incentive. For the first time, taxpayers who have reached age 70½ are allowed to give money directly from their IRAs to qualifying charities on a tax-free basis without worrying about complicated adjusted gross income and other restrictions that otherwise apply to tax deductible charitable contributions. The charitable IRA rollover provision in H.R. 4 applies only for direct IRA gifts, is capped and it is available for a limited time—expiring at the end of this year.

In fact, the charitable IRA rollover provision in H.R. 4 adopted the same general approach of legislation for direct IRA gifts I have been working on called the Public Good IRA Rollover Act with several of my Senate colleagues for a number of years.

Before I authored this legislation, I was told by many charities that potential donors frequently asked about using their IRAs to make charitable donations but decided against such gifts after they were told about the potential tax consequences under then-current tax law. I am pleased to report that the charitable community is already feeling the positive impact of the new charitable IRA rollover measure. According to a limited survey conducted by the National Committee on Planned Giving thousands of IRA gifts totaling nearly $60 million have been made to eligible charities since the tax-free IRA rollover provision was enacted into law last August.

I'm told that the IRA rollovers have resulted in significant gifts in North Dakota. It reportedly inspired a donor to Lutheran Social Services of North Dakota to contribute $15,000, an amount higher than the donor's typical gift. This charitable gift will help the organization to continue its diverse programs in such areas as adoption services, counseling for at-risk youth, economic self-sufficiency for refugees, and services for farmers and ranchers. Lutheran Social Services believes that the IRA rollover provision encourages people to give more and to continue giving. University of Mary reportedly received IRA gifts of over $250,000 in 2006. The Theodore Roosevelt Medora Foundation received an IRA gift of $80,000. Ducks Unlimited received eleven IRA gifts in 2006 totaling nearly $190,000 and expects even more in 2007. Jamestown College reportedly received nine IRA gifts in 2006 totaling over $112,000. Other North Dakota charities, including Catholic Health Services for Western North Dakota, have benefited from IRA gifts as well.

The charitable IRA rollover has resulted in similar stories across the Nation. For example, Goodwill Industries of West Michigan has received several contributions as a direct result of the rollover provision and believes the provision is resonating with donors. A local physician made the single biggest IRA rollover donation of $10,000. The physician was not previously a Goodwill donor. This $10,000 donation will completely support a homeless family for up to six months in the organization's transitional housing and employment program for homeless families. This is just one example illustrating the success of the charitable IRA rollover but there are dozens of similar stories across the country.

The results are undeniable: the temporary charitable IRA rollover incentive is working well and making a difference in the lives of people who are assisted by the Nation's charities. And the Public Good IRA Rollover Act that we are re-introducing today builds upon last year's temporary measure by removing its current dollar cap, expanding it to allow taxpayers who have attained age 59½ to make life-income gifts and by making it a permanent part of the Tax Code.

As a Nation, we depend on a strong, active network of charities, small and large, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it's critically important for Congress to do everything possible to help encourage the work of worthy charities. Permanently extending and expanding the temporary charitable IRA rollover in current law will go a long way in that direction.

A senior official from a major charity once said the charitable IRA rollover would be ''the single most important piece of legislation in the history of public charitable support in this country.'' The reason is the Public Good IRA Rollover Act eliminates major tax obstacles to charitable giving. Specifically, our bill would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70½ for direct gifts and age 59½ for life-income gifts. These changes to the Tax Code will put billions of additional dollars from a new source to work for the public good in the years ahead.

The charitable IRA rollover approach in this legislation has been endorsed by over 530 charitable organizations operating in 46 States and the District of Columbia, including: AARP, the American Cancer Society, the American Red Cross and American Heart Association, America's Second Harvest, American Association of Museums, Big Brothers Big Sisters of America, Ducks Unlimited, Easter Seals, Goodwill, Lutheran Services of America, March of Dimes, the Salvation Army, United Jewish Communities, United Way of America, Volunteers of America, YMCA of the USA, Prairie Public Broadcasting, the North Dakota Community Foundation and many others. In addition, the U.S. Senate is previously on record in support of the Public Good IRA Rollover Act. In doing so, the Senate recognized that the charitable IRA rollover is an important tool for charities to use to raise the funds they need to serve those in need, especially when government assistance is not available.

The Bush Administration supports charitable IRA rollovers. In his fiscal year 2008 budget submission, President Bush has proposed making permanent the limited tax-free charitable IRA distribution provision passed last summer

that is scheduled to expire at the end of this year. While the President's charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: by allowing tax-favored life-income gifts from an IRA whose owner has attained the age of 59½.

In addition to direct IRA gifts, many charities use life-income gifts to secure funding commitments today to meet their future needs. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Many people would like to give part or all of their IRAs to charity, but need the retirement income from their IRAs. Allowing them to roll over their IRAs at age 59½ or older to a charity's life-income plan would allow them to secure retirement income and make a charitable commitment. The charities could plan on receiving the gift after the life interest terminates.

The benefit of allowing life-income gifts at an earlier age is two-fold. First, the life-income gift provision in our bill would stimulate additional charitable giving. Second, the evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death.

Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs without adverse tax consequences. But life-income gifts are not part of the Administration's proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-favored life-income gifts at the age of 59½.

In closing, I urge my Senate colleagues to review and consider cosponsoring this bill. With your help, we can permanently enact into law tax-free IRA rollover provisions that charities say is needed to encourage billions of dollars in new giving that will provide assistance to those who need it most.

I ask unanimous consent that the full text of the bill and a letter from charitable organizations that have endorsed the Public Good IRA Rollover Act be printed in the RECORD.

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

MARCH 8, 2007.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: We, the undersigned organizations, representing millions of volunteers, donors, and recipients of services who are part of America's nonprofit community, strongly support the ''Public Good IRA Rollover Act of 2007.''

Since it was enacted in August 2006, the current IRA Charitable Rollover has helped nonprofits enrich lives and strengthen communities across the country and around the world. By eliminating the barrier in the tax law that had previously discouraged transfers from Individual Retirement Accounts to charities, the rollover has enabled Americans to make millions of dollars of new contributions to the nonprofits—including hospitals, museums, educational institutions, and religious organizations—that benefit people every day.

The IRA Charitable Rollover is scheduled to expire at the end of 2007. It permits eligible IRA owners to make direct gifts to eligible charities from their IRAs without suffering a tax penalty. Beginning at age 70½, all IRA owners are required to take annual minimum distributions, even if they do not need the income. With the charitable rollover, those who have accumulated more assets than they need in their IRAs can use the distribution and other money in their accounts to support the services and programs of nonprofits. The IRA Rollover is particularly helpful for older Americans who do not itemize their tax deductions and would not otherwise receive any tax benefit for their charitable contributions.

These advantages are the reason we appreciate your sponsorship of the ''Public Good IRA Rollover Act of 2007'' and why we ask that you aggressively push this critical legislation. It would build on the success of the current IRA Rollover by making it permanent, removing the current dollar limit on donations per year, making all charities eligible to receive donations, and providing IRA owners with a planned giving option starting at age 59½.

Thank you for your leadership in sponsoring the ''Public Good IRA Rollover Act of 2007.'' We intend to work in partnership with you to push for passage of this critical legislation.

Respectfully,

DIANA AVIV,
President and CEO,
Independent Sector.
TANYA HOWE JOHNSON,
President and CEO,
National Committee on Planned Giving.

With the Undersigned Organizations.

ORGANIZATIONS IN SUPPORT OF THE PUBLIC GOOD IRA ROLLOVER ACT OF 2007

AACA Museum, Inc., Hershey, PA; AARP, Washington, DC; Acadiana Outreach Center, Lafayette, LA; AFL–CIO Community Services Agency, St. Joseph, MO; Alameda Hospital Foundation, Alameda, CA; Alamo Community College District Foundation, Inc., San Antonio, TX; Alaska Planned Giving Council, Anchorage, AK; Alberta Bair Theater for the Performing Arts, Billings, MT; Albion Volunteer Service Organization, Albion, MI; Allegany Franciscan Ministries, Clearwater, FL; Allegheny College, Meadville, PA; ALL–GA, Atlanta, GA; Alliance for Children and Families, Milwaukee, WI; Aloha United Way, Honolulu, HI; American Arts Alliance, Washington, DC; American Association of Homes and Services for the Aging, Washington, DC; American Association of Museums, Washington, DC; American Association on Intellectual and Developmental Disabilities, Washington, DC; American Autoimmune Related Diseases Association, E. Detroit/Eastpointe, MI; American Bible Society, New York, NY.

American Cancer Society, Washington, DC; American Cancer Society Cancer Action Network, Washington, DC; American Council on Education, Washington, DC; American Dental Association Foundation, Chicago, IL; American Heart Association, Dallas, TX; American Humanics, Inc., Kansas City, MO; American Institute for Cancer Research, Washington, DC; American Land Conservancy, San Francisco, CA; American Red Cross, Washington, DC; American Red Cross, Utica, NY; American Red Cross Alabama Gulf Coast Chapter, Mobile, AL; American Red Cross of New Canaan, New Canaan, CT; American Red Cross of Upper Northumberland County, Milton, PA; American Red Cross, Hawaii State Chapter, Honolulu, HI; American Red Cross, Heart of Oklahoma Chapter, Norman, OK; American Red Cross-Greater Kansas City Chapter, Kansas City, MO; American Society of Association Executives, Washington, DC; American Symphony Orchestra League, New York, NY; Americans for the Arts, Washington, DC; America's Second Harvest—The Nation's Food Bank Network, Chicago, IL.

Amherst College, Amherst, MA; Amizade, Pittsburgh, PA; Andrews University, Berrien Springs, MI; Archdiocese of Kansas City in Kansas, Kansas City, KS; ARK Consulting, Houston, TX; Arkansas Foodbank Network, Little Rock, AR; Arkansas Hunger Relief Alliance, Little Rock, AR; ArtSpring, Inc., Miami, FL; Ashland University, Ashland, OH; Associated Prevailing Wage Contractors, Inc., Ruston, LA; ASSOCIATED: Jewish Community Federation of Baltimore, Baltimore, MD; Association of American Universities, Washington, DC; Association of Art Museum Directors, Washington, DC; Association of Fundraising Professionals, Arlington, VA; Association of Jewish Aging Service of North America, Washington, DC; Association of Jewish Family & Children's Agencies, East Brunswick, IL; Association of Performing Arts Presenters, Washington, DC; Association for the Blind & Visually Impaired—Goodwill of Greater Rochester, Rochester, NY; Augustana College, Rock Island, IL; AVANCE, Inc., San Antonio, TX; Baker University, Baldwin City, KS; Bardmoor YMCA, Largo, FL.

Baton Rouge Area Foundation, Baton Rouge, LA; Bee, Bergvall & Co, Certified Public Accountants, Warrington PA; Bethesda Lutheran Homes and Services, Inc., Watertown, WI; Better Health of Cumberland County, Inc., Fayetteville, NC; Big Brothers Big Sisters of America, Philadelphia, PA; Big Brothers Big Sisters of Butte-Silver Bow, Inc., Butte, MT; Big Brothers Big Sisters of Honolulu, Inc., Honolulu, HI; Billings Clinic Foundation, Billings, MT; B'nai B'rith International, Washington, DC; Brightest Horizons, Fort Myers, FL; Brown University, Providence, RI; Bucks County Center for Nonprofit Management, Warrington, PA; Butler County United Way, Hamilton, OH; Butte Emergency Food Bank, Butte, MT; California Association of Nonprofits, Los Angeles, CA; California Baptist Foundation, Fresno, CA; California State University, Long Beach, CA; Camp Fire USA, Kansas City, MO; Camp Fire USA Buckeye Council, Fremont, OH; Camp Fire USA Central Oregon Council, Bend, OR; Camp Fire USA Portland Metro Council, Portland, OR; Camp Fire USA Snohomish County, Everett, WA.

Camp Fire USA Wathana Council, Southfield, MI; Camp Fire USA West Michigan Council, Grands Rapids MI; Capital Region Community Foundation, Lansing, MI; A Carousel for Missoula Foundation, Inc., Missoula, MT; Carroll College, Helena, MT; Casa Esperanza, Inc., Albuquerque, NM; CASE, Washington, DC; Catholic Charities, Galesburg, IL; Catholic Charities CYO of the Archdiocese of San Francisco, San Francisco, CA; Catholic Charities Diocese of Greensburg, PA, Greensburg, PA; Catholic Charities Diocese of Peoria, Peoria, IL; Catholic Charities of Colorado Springs, Colorado Springs, CO; Catholic Charities of Galveston-Houston, Houston, TX; Catholic Charities of Kansas City-St. Joseph, Kansas City, MO; Catholic Charities of Saint Louis, Saint Louis, MO;

Catholic Charities of Southeast Texas, Beaumont, TX; Catholic Charities of the Archdiocese of Chicago, Chicago, IL; Catholic Charities of the Archdiocese of Galveston-Houston, Houston, TX; Catholic Charities of the Diocese of Peoria, West Peoria, IL; Catholic Charities USA, Alexandria, VA; Catholic Charities, Diocese of Norwich, Inc., Norwich, CT; Catholic Charities, Diocese of Trenton, Trenton, NJ.

Catholic Community Services of Southern Arizona, Tucson, AZ; Catholic Diocese of Wilmington, Wilmington, DE; Catholic Foundation of the Diocese of Lincoln, Lincoln, NE; Catholic Social Services, Inc., Columbus, OH; The Catholic University of America, Washington, DC; Cedar Valley United Way, Waterloo, IA; Cedarhurst Center for the Arts—John R. & Eleanor R. Mitchell Foundation, Mt. Vernon, IL; Center for Community Building, Inc., Harrisburg, PA; Center for Humanistic Change, Bethlehem, PA; Center for Non-Profit Corporations (NJ), North Brunswick, NJ; Center for Nonprofit Excellence, Colorado Springs, CO; Central Louisiana Community Foundation, Alexandria, LA; Central Methodist University, Fayette, MO; The Center on Philanthropy at Indiana University, Indianapolis, IN; Children's Healthcare of Atlanta, Atlanta, GA; The Children's Museum of Northeast Montana, Glasgow, MT; Christchurch School, Christchurch, VA; Cincinnati Children's Hospital Medical Center, Cincinnati, OH; Cincinnati Playhouse in the Park, Cincinnati, OH; City Year, Inc., Boston, MA; Claremont McKenna College, Claremont, CA; Cleveland Clinic Foundation, Cleveland, OH.

College Misericordia, Dallas, PA; Colorado Nonprofit Association, Denver, CO; The Columbus Foundation, Columbus, OH; Combined Jewish Philanthropies, Boston, MA; Communities In Schools, Inc., Alexandria, VA; The Community Foundation for Greater Atlanta, Inc., Atlanta, GA; The Community Foundation for the National Capital Region, Washington, DC; Community Foundation of Decatur/Macon County, Decatur, IL; Community Foundation of Lorain County, Lorain, OH; Community Foundation of Southwest Missouri, Carthage, MO; Community Foundation of the Great River Bend, Davenport, IA; Community Foundation of Waterloo/Cedar Falls and Northeast Iowa, Waterloo, IA; Community Living, Inc., St. Peters, MO; Community Mediation Center, Bozeman, MT; Community Resource Center, Manchester, MI; Community Theater Project Corp./Kelly-Strayhorn Theater, Pittsburgh, PA; CompassPoint Nonprofit Services, San Francisco, CA; Connecticut Association of Nonprofits, Hartford, CT; ConnectMichigan Alliance, Lansing, MI; Conservation Congress, Lewistown, MT; Cooperative for Assistance and Relief Everywhere, Inc (CARE), Washington, DC.

Coro Center for Civic Leadership, Pittsburgh, PA; Council on Foundations, Washington, DC; County United Way, Cumberland, MD; The Cradle Foundation, Evanston, IL; Crocker Art Museum Association, Sacramento, CA; Dance/USA, Washington, DC; DCOSA Foundation, Tuscalo; The DELTA Community, Harrisburg, PA; Detroit Newspapers in Education/Michigan KIDS, Inc., Detroit, MI; Diocese of Allentown, PA; Diocese of St. Augustine, Jacksonville, FL; Directions for Youth & Families, Columbus, OH; Donors Forum of Chicago, Chicago, IL., Ducks Unlimited, Memphis, TN; Easter Seals Arkansas, Little Rock, AR; Easter Seals, Inc., Chicago, IL; Elderhostel, Boston, MA; Elmhurst Art Museum, Elmhurst, IL; Employee & Family Resources, Inc., Des Moines, IA; Employment Opportunity & Training Center—EOTC, Scranton, PA; Episcopal Collegiate School Foundation, Little Rock, AR; The Episcopal Foundation of Northern California, Sacramento, CA; Estamos Unidos de PA, Harrisburg, PA.

The Jewish Federation of Greater Los Angeles, Los Angeles, CA; Fargo-Moorhead Area Foundation, Fargo, ND; First Baptist Church of Indian Rocks, Largo, FL; Flathead Valley Community College Foundation, Kalispell, MT; Florida Philanthropic Network, Winter Park, FL; Florida Sheriffs Youth Ranches, Inc., Live Oak, FL; Fonkoze USA, New York, NY; The Forbes Funds, Pittsburgh, PA; The Fowler Center, Mayville, MI; Franciscan Foundation, Tacoma, WA; The Fuller Foundation, Pasadena, CA; The George Washington University, Washington, DC; Georgia Center for Nonprofits, Atlanta, GA; Girl Scouts of Eastern South Carolina, North Charleston, SC; Girl Scouts of Northwest North Dakota, Minot, ND; Girls Incorporated, New York, NY; Glacier National Park Fund, Whitefish, MT; GLSEN—the Gay, Lesbian and Straight Education Network, New York, NY; Goodwill Industries Foundation of Central Indiana, Indianapolis, IN; Goodwill Industries International, Inc., Rockville, MD; Goodwill Industries of Central Virginia, Inc., Richmond, VA; Goodwill Industries of Northeast Iowa, Inc., Waterloo, IL.

Goodwill Industries of Northern Michigan, Inc., Traverse City, MI; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of the Greater East Bay, Inc., Oakland, CA; Goodwill industries of the Greater East Bay, Inc., Oakland, CA; Goodwill Industries of the Valleys, Inc., Roanoke, VA; Goodwill Southern California, Los Angeles, CA; Goodwill Theatre, Inc., Johnson City, NY; Goodwill/Easter Seals Minnesota, St. Paul, MN; Grand Rapids Community Foundation, Grand Rapids, MI; Greater Columbus Arts Council, Columbus, OH; Greater Des Moines Community Foundation, Des Moines, IA; Greater Gallatin United Way, Bozeman, MT; Greater Miami Jewish Federation, Miami, FL; Greater Milwaukee Foundation, Milwaukee, WI; Greater Pittsburgh Nonprofit Partnership; Pittsburgh, PA; Greater Twin Cities United Way, Mpls—St. Paul, MN; Greater Yellowstone Coalition, Inc., Bozeman, MT; Grinnell College, Grinnell, IA; Gulf Coast Community Foundation of Venice, Venice, FL; Habitat for Humanity International, Americus, GA; Habitat for Humanity of Gallatin Valley, Belgrade, MT; Hale Kipa, Inc., Honolulu, HI; Hathaway Brown School, Cleveland, OH; Haven House, East Lansing, MI.

Health Focus of Southwest, Virginia, Roanoke, VA; Heart of KY United Way, Danville, KY; The Henry Ford, Dearborn, MI; Hina Mauka, Kaneohe, HI; Holy Redeemer Health System, Huntingdon Valley, PA; Holy Trinity Catholic Church, Bloomington, IL; Hope Primas, Norristown, PA; Hospice Foundation of Jefferson County, Inc., Watertown, NY; The Hospice Foundation of the Florida Suncoast, Clearwater, FL; House of Healing, Erie, PA; HSHCRC Homes, Inc., Houston, TX; Interfaith Housing Alliance, Inc., Frederick, MD; International Association of Jewish Vocational Services, Philadelphia, PA; International Kids Alliance Network, Auburn Hills, MI; Izaak Walton League of America, Gaithersburg, MD; Jacob's Pillow Dance Festival, Becket, MA; James P. Gills Family Branch, YMCA of the Suncoast, New Port Richey, FL; Janaka Foundation, Nevada City, CA; Jewish Board of Family & Children's Services, New York, NY; Jewish Family & Children's Service (Philadelphia, PA), Philadelphia, PA; Jewish Family & Children's Service (Tucson, Arizona), Tucson, AZ.

Jewish Family & Children's Service of San Antonio, San Antonio, TX; Jewish Family & Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties, San Francisco, CA; Jewish Family & Community Services, Jacksonville, FL; Jewish Family Service (Houston, TX), Houston, TX; Jewish Family Service of Buffalo & Erie County, Buffalo, NY; Jewish Family Service of Colorado, Denver, CO; Jewish Family Service of Greater Harrisburg, Inc., Harrisburg, PA; Jewish Family Service of Silicon Valley, Los Gatos, CA; Jewish Family Services (Columbus, OH), Columbus, OH; Jewish Family Services (Milwaukee, WI), Milwaukee, WI; Jewish Family Services of Greater Kansas City, Overland Park, KS; Jewish Federation of Delaware, Wilmington, DE; Jewish Federation of Palm Beach County, West Palm Beach, FL; Jewish Federation of Washtenaw County, Ann Arbor, MI; Jewish Social Service Agency, Washington, DC; Jewish War Veterans of the USA, Washington, DC; John Wayne Cancer Institute, Santa Monica, CA; Johns Hopkins University, Baltimore, MD; Juniata College, Huntingdon, PA; Kellogg Community College, Battle Creek, MI; Kelly Anne Dolan Memorial Fund, Ambler, PA; Lafayette Animal Aid, Carencro, LA; Lake Forest Academy, Lake Forest, IL.

Lakeland Regional Medical Center Foundation, Lakeland, FL; Land of Lincoln Goodwill Industries, Inc., Springfield, IL; Land Trust Alliance, Washington, DC; Larned A. Waterman Iowa Nonprofit Resource Center, Iowa City, IA; LCMS Foundation, St. Louis, MO; Leadership Education for Asian Pacifics, Inc., Los Angeles, CA; Lee Memorial Health System Foundation, Fort Myers, FL; Lenawee Community Foundation, Tecumseh, MI; Looking For My Sister, Inc., Detroit, MI; Louisiana Association of Nonprofits, Baton Rouge, LA; Louisiana Methodist Children's Home, Ruston, LA; Louordesmont/Good Shepherd, Clarks Summit, PA; Luther Manor, Wauwatosa, WI; Lutheran Camping Corporation of Central Pa., Arnedtsville, PA; Lutheran Hillside Village, Peoria, IL; Lutheran Senior Services, St. Louis, MO; Lutheran Senior Services at Heisinger Bluffs, Jefferson City, MO; Lutheran Services in America, Washington, DC; Lutheran Services in Iowa, Waverly, IA; Lutheran Social Services of North Dakota, Fargo, ND; Madison Jewish Community Council and Jewish Social Services, Madison, WI; Maine Association of Nonprofits, Portland, ME.

March of Dimes, Washington, DC; Marianist Mission, Dayton, OH; Marquette County Aging Services, Marquette, MI; Marshalltown Area United Way, Marshalltown, IA; Maryland Institute College of Art, Baltimore, MD; McLaughlin Research Institute, Great Falls, MT; MedCentral Health System Foundation, Mansfield, OH; Memorial Medical Center Foundation, Long Beach, CA; Mends Compassionate Nursing Care Registry, Inc., Miami, FL; Mennonite Brethren Foundation, Hillsboro, KS; Mennonite Home Communities, Lancaster, PA; Mental Health Kokua, Honolulu, HI; The Mentoring Partnership of SW PA, Pittsburgh, PA; Meredith College, Raleigh, NC; Metro United Way, Louisville, KY; Metropolitan Opera, New York, NY; Michigan AmeriCorps Partnership, Detroit, MI; Michigan Association for Local Public Health, Lansing, MI; Michigan Association of United Ways, Lansing, MI; Michigan Colleges Foundation, Southfield, MI; Michigan Conference Association of Seventh-day Adventists, Lansing, MI; Michigan Historical Center Foundation, Lansing, MI; Michigan Jewish Conference, Lansing, MI.

Michigan Nonprofit Association, Lansing, MI; Michigan Resource Center for Health and Safety, Lansing MI; The Miller Foundation, Battle Creek, MI; Milwaukee Achiever Literacy Services, Inc., Milwaukee, WI; Milwaukee Jewish Federation, Milwaukee, WI;

Minnesota Orchestral Association, Minneapolis, MN; Minot YMCA, Minot, ND; Mississippi Center for Nonprofits, Jackson, MS; Mississippi Policy Forum, Jackson, MS; Mississippi University for Women Foundation, Columbus, MS; Missoula Food Bank, Missoula, MT; Montana Food Bank Network, Missoula, MT; Montana History Foundation, Helena, MT; Montana Nonprofit Association, Helena, MT; Morgan Memorial Goodwill Industries, Boston, MA; Morristown Memorial Health Foundation, Morristown, NJ; Mt. Pleasant Community Development Corporation, Inc., Monroe, LA; Myasthenia Gravis Association, Southfield, MI; NAMI Orange County (National Alliance on Mental Illness), Santa Ana, CA; National Association for Visually Handicapped, New York, NY; National Association of Independent Schools, Washington, DC; National Audubon Society, Washington, DC.

National Council of Private Agencies for the Blind and Visually Impaired, St. Louis, MO; National Human Services Assembly, Washington, DC; National MS Society, Maryland Chapter, Owings Mills, MD; National Multiple Sclerosis Society, New York City, NY; National Multiple Sclerosis Society, Pacific South Coast Chapter, Carlsbad, CA; National Multiple Sclerosis Society, Tampa Florida, Tampa, FL; National Schizophrenia Foundation, Lansing, MI; The Nature Conservancy, Arlington, VA; The Navigators, Colorado Springs, CO; Neighborhood Housing Services Inc., Pittsburgh, PA; Neighborhood Service Organization, Detroit, MI; Neighbors for Better Neighborhoods, Winston-Salem, NC; The Network Against Sexual and Domestic Abuse, Bozeman, MT; New Orleans Neighborhood Development Collaborative, New Orleans, LA; New York University, New York, NY; Niagara University, Niagara University, NY; NJ State Association of Jewish Federations, Union, NJ; The Nonprofit Center, Tacoma, WA; Nonprofit Coordinating Committee of New York, Inc., New York, NY; Nonprofit Network, Vancouver, WA; Nonprofit Resource Center, Sacramento, CA; Nonprofit Roundtable of Greater Washington, Washington, DC.

North Carolina Center for Nonprofits, Raleigh, NC; North Carolina Zoological Society, Inc., Asheboro, NC; North Coast Opportunities, Ukiah, CA; North Country Trail Association, Lowell, MI; The North Dakota Community Foundation, Bismarck, ND; Northampton Community College Foundation, Bethlehem, PA; Northeastern University, Boston, MA; Northwestern University, Evanston, IL; Notre Dame de Namur University, Belmont, CA; Notre Dame India Mission, Chardon, OH; Oberlin College, Oberlin, OH; Of Moving Colors Productions, Baton Rouge, LA; Ohio Jewish Communities, Colombus, OH; The Omaha Home for Boys, Omaha, NE; OPERA America, New York, NY; Oregon Trout, Portland, OR; Pacific Lutheran University, Tacoma, WA; Parents And Children Together, Honolulu, HI; Pennsylvania Association of Nonprofit Organizations, Harrisburg, PA; Pfeiffer University, Misenheimer, NC.; Philadelphia Council for Community Advancement, Philadelphia, PA; Phillips Academy, Andover, MA.

Phillips Theological Seminary, Tulsa, OK; Phoebe Foundation, Albany, GA; Pittsburgh History & Landmarks Foundation, Pittsburgh, PA.; Plan USA, Warwick, RI; Prairie Public Broadcasting, Inc., Fargo, ND; Prince William Chapter American Red Cross, Manassas, VA; Providence House, Shreveport, LA; Rainbow Kitchen Community Services, Homestead, PA; Ravalli Services Corporation, Hamilton, MT; Rensselaer Polytechnic Institute, Troy, NY; Richland Voluntary Council on Aging, Inc., Rayville, LA; Rimrock Opera Company, Billings, MT; Riverview Retirement Community, Spokane, WA; Rochester Area Neighborhood House, Inc., Rochester, MI; Rochester Area Community Foundation, Rochester, NY; Rocky Mountain Elk Foundation, Inc., Missoula, MT; RSVP Montgomery County, PA, Plymouth Meeting, PA; Ruth Rales Jewish Family Service, Boca Raton, FL; SAE Foundation, Warrendale, PA; Saint Louis Zoo, St. Louis, MO; Saint Xavier High School, Louisville, KY; The Salvation Army, Alexandria, VA; The Salvation Army, Minnesota & North Dakota, Roseville, MN.

Samaritan's Purse, Boone, NC; Sandhills Interfaith Hospitality Network, Aberdeen, NC; Sangamon County Community Foundation, Springfield, IL; Santa Clara University, Santa Clara, CA; School Sisters of Notre Dame, Elm Grove, WI; Search Institute, Minneapolis, MN; Seton Hill University, Greensburg, PA; Shenandoah University, Winchester, VA; Sherwood and Myrtie Foster Home for Children, Stephenville, TX; Shimer College, Chicago, IL; Sholom Foundation, Minneapolis, MN; The Sierra Club Foundation, San Francisco, CA; Sixth Judicial District CASA/GAL Program, Inc., Livingston, MT; Skaggs Hospital Foundation, Branson, MO; Society Of Manufacturing Engineers Education Foundation, Dearborn, MI; South Carolina Association of Nonprofit Organizations, Columbia, SC; South Dakota State University Foundation, Brookings, SD; Southern Adventist University, Collegedale, TN; Southwestern Virginia Second Harvest Food Bank, Salem, VA; Special K Ranch, Inc., Columbus, MT; Special Olympics Inc., Washington, DC.

St. Bernard Battered Women's Program, Inc., Chalmette, LA; St. David's Society of Pittsburgh, Inc., Pittsburgh, PA; St. George Special Ministries, Brighton, MI; The St. Joe Community Foundation, Panama City Beach, FL; St. John's University, Jamaica, NY; Stanford Jazz Workshop, Stanford, CA; Starlight Starbright Children's Foundation, Los Angeles, CA; Sterling College, Sterling, KS; Stetson University, DeLand, FL; Stevens Institute of Technology, Hoboken, NJ; Stewards of the Lower Susquehanna, York, PA; Strategic Solutions, Marquette, MI; Swedish Medical Center Foundation, Seattle, WA; Texas Children's Hospital, Houston, TX; Texas Christian University, Fort Worth, TX; The National Catholic Development Conference, Hempstead, NY; The Salvation Army, Honolulu, HI; Theatre Communications Group, New York, NY; Tides Foundation, San Francisco, CA; Tidewater Jewish Foundation, Inc., Virginia Beach, VA; Trans World Radio, Cary, NC; Triangle United Way, Morrisville, NC; The Trust for Public Land, San Francisco, CA; UJA Federation of Northern New Jersey, River Edge, NJ.

UJA Federation of New York, New York City, NY; UNC Wilmington, Wilmington, NC; Union Rescue Mission, Little Rock, AR; United Cerebral Palsy of Metro Detroit, Southfield, MI; United Cerebral Palsy of South Central PA Inc., York, PA; United Jewish Communities, Washington, DC; United Jewish Communities of Metro/West NJ, Whippany, NJ; United Jewish Council of Greater Toledo, Toledo, OH; United Jewish Federation of Greater Pittsburgh, Pittsburgh, PA; United Methodist Foundation of WV, Inc., Charleston, WV; United Ministries, Greenville, SC; United Neighborhood Center of America, Milwaukee, WI; United Way California Capital Region, Sacramento, CA; United Way for Southeastern Michigan, Detroit, MI; United Way Fox Cities, Menasha, WI; United Way of America, Alexandria, VA; United Way of Bloomfield, Bloomfield, NJ; United Way of Carlisle & Cumberland County, Carlisle, PA; United Way of Central Iowa, Des Moines, IA; United Way of Central Ohio, Columbus, OH.

United Way of Clallam County, Port Angeles, WA; United Way of Erie County, Erie, PA; United Way of Essex and West Hudson, Newark, NJ; United Way of Greater Cincinnati, Cincinnati, OH; United Way of Greater Mercer County, Lawrenceville, NJ; United Way of Greater Portland, Portland, ME; United Way of Greater Rochester, Rochester, NY; United Way of Harrison County, Inc., Clarksburg, WV; United Way of Henderson County, Henderson, KY; United Way of Jasper County, Newton, IA; United Way of Kentucky, Louisville, KY; United Way of Metropolitan Chicago, Chicago, IL; United Way of Nelson County, Bardstown, KY; United Way of North Carolina, Raleigh, NC; United Way of North Central Iowa, Mason City, IA; United Way of Northeast Florida, Jacksonville, FL; United Way of Siouxland, Sioux City, IA; United Way of the Capital Region, Enola, PA; United Way of the Columbia Willamette, Portland, OR; United Way of the Greater Seacoast, Portsmouth, NH; United Way of Williamson County, Williamson County, TX; United Way Volunteer Center of Chippewa County, Sault Ste. Marie, MI; United Ways of Texas, Austin, TX; University of Florida and University of Florida Foundation, Gainesville, FL; University of Hartford, West Hartford, CT.

University of Illinois Foundation, Urbana, IL; University of Maine Foundation, Orono, ME; University of Maryland Baltimore Foundation, Inc., Baltimore, MD; University of Michigan, Ann Arbor, MI; University of Minnesota Foundation, Minneapolis, MN; The University of North Carolina, State of North Carolina, NC; University of St. Thomas, Houston, TX; The University of Texas M.D. Anderson Cancer Center, Houston, TX; University of the Ozarks, Clarksville, AR; University of Virginia Law School Foundation, Charlottesville, VA; Ursinus College, Collegeville, PA; US Lacrosse, Baltimore, MD; Utah Valley State College, Orem, UT; Vancouver National Historic Reserve Trust, Vancouver, WA; Vassar College, Poughkeepsie, NY; Villa Nazareth dba Friendship, Inc., Fargo, ND; Village Missions, Dallas, OR; Virginia Mennonite Retirement Community Foundation, Harrisonburg, VA; Volunteers of America, Alexandria, VA; Wabash College, Crawfordsville, IN; WADE Management Group, Detroit, MI; Wartburg Theological Seminary, Dubuque, IA.

The Washington Center for Internships & Academic Seminars, Washington, DC; Watson Children's Shelter, Missoula, MT; Wesleyan College, Macon, GA; Wesleyan Homes, Georgetown, TX; Westminster College, Fulton, MO; Westminster College, New Wilmington, PA; WHAS Crusade for Children, Louisville, KY; Whitefish Community Foundation, Whitefish, MT; Whitman College, Walla Walla, WA; Wildlife Forever, Brooklyn Center, MN; The Williston Northampton School, Easthampton, MA; Wright State University, Dayton, OH; Wycliffe Bible Translators, Orlando, FL; Wycliffe Foundation, Orlando, FL; Yakima Valley Red Cross, Yakima, WA; Yellowstone Boys and Girls Ranch Foundation, Billings, MT; YES Institute, Miami, FL; YMCA of Honolulu, Honolulu, HI; YMCA of the Suncoast, Clearwater, FL; YMCA of the USA, Washington, DC; Youth Crime Watch of America, Miami, FL; Youth Homes, Missoula, MT; Youth Service America, Washington, DC; Youth Service Bureau of St. Tammany, Covington, LA; YWCA USA, Washington, DC.

S. 819

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 ''Public Good IRA Rollover Act of 2007''.

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Paragraph (8) of section 408(d) of the Internal Revenue Code of 1986 (relating to tax treatment of distributions) is amended to read as follows:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

''(i) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity, and

''(ii) which is made on or after the date that the individual for whose benefit the account is maintained has attained—

''(I) in the case of any distribution described in clause (i)(I), age 70½, and

''(II) in the case of any distribution described in clause (i)(II), age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2006.

By Mrs. CLINTON:

S. 820. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Health, Education, Labor and Pensions.

Mrs. CLINTON. Mr. President, last month marked the 14th anniversary of the enactment of the Family and Medical Leave Act of 1993. This law has enabled workers to take up to 12 weeks of unpaid leave to attend to an ailing family member or to care for a newborn baby. Since this landmark legislation was signed into law, more than 50 million working Americans have been able to take critical time off when necessary without putting their jobs on the line.

The Family and Medical Leave Act was a critical first step in recognizing the challenges that Americans face in achieving a family-work balance. For nearly a decade and a half, it has provided the most basic protections for workers who can afford to take unpaid leave. Yet, 40 million workers cannot use the FMLA because they can't go without a paycheck. Throughout my career as a lawyer, mother, First Lady and Senator, I have sought solutions to the difficult challenges that working parents face.

That is why I am pleased to reintroduce legislation, the Choice in Child Care Act of 2007, to meet the child care needs of working families. My bill provides a modest and important option for families who have none: the chance to stay home with their infants when there is no childcare available to them. This is the critical next step to ensure low-income families welcoming children in their lives are afforded more economic security than they would have otherwise.

Bringing a new child into the world is one of the greatest joys a parent can experience, yet we also know that in the reality of today's economy, most parents must work to provide economic security for their newborns. In fact, 55 percent of women with infants younger than one year of age are in the workforce. As a result, working parents are faced with trying to provide economic security for their family while simultaneously ensuring that their infant receives the quality of care that he or she needs.

Research shows that the quality of caretaking in the first months and years of life is critical to a newborn's brain development, social development and well-being. Yet there is currently a severe shortage of safe, affordable, quality care for infants. The number of licensed child care slots for infants meets only 18 percent of the need. The shortage is particularly acute in rural areas, and especially in rural areas that have many low-income residents.

Ideally, I think we would all agree that parents who need affordable, high-quality care for their infant would provide that care themselves. However we know that, in many low- and moderate-income families, having a parent quit his or her job or reduce work hours to care for an infant is not financially viable. Doing so would plunge the family into an economic crisis. Rather, parents should have the choice and greater flexibility in providing safe, quality care for their infants.

My legislation is modeled on creative programs States have established to provide low-income parents of infants a choice between returning to work and using a State child care subsidy to care for their infant and caring for their infant themselves with a monthly child care stipend. The Choices in Child Care Act would make these programs available to families across the country.

My bill amends the Child Care Development Block Grant so that low- and moderate-income parents have the option of forgoing a State childcare subsidy for infant care outside the home and instead receiving a comparable stipend to provide the care themselves while keeping the family economically stable. The bill would help parents balance work and family, help meet the critical shortage of infant child care, provide cost savings to state child care programs, support quality care for the critical first years of a child's development, and value parenting as a form of work.

This legislation supports families when they need it the most by providing options for low and moderate income families when they need to care for an infant. In order to truly value families we need to make sure families at all income levels have options to do what is best for them. The Choices in Child Care Act promotes family security by ensuring low-income families have the chance to care for their infants at home and receive some, albeit modest, financial assistance.

As we move forward from the celebration of the 14th anniversary of the Family and Medical Leave Act let us

recognize the challenges Americans face in balancing work and family life today. The time has come, with the new 110th Congress, to give parents additional resources and options in helping them address these challenges. I urge my Senate colleagues from both sides of the aisle to join me in supporting the Choices in Child Care Act of 2007.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. CARDIN, and Mrs. CLINTON):

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; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleague Senator KOHL, to reintroduce this important piece of legislation. This legislation will work to ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you know, Congress modified the Supplemental Security Income (SSI) program to include seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens, Congress provided the seven-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than seven years. Applicants are required to live in the United States for a minimum of five years prior to applying for citizenship. In addition to that time period, their application process often can take three or more years before resolution. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the seven-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional two years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a two-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman BAUCUS and other members of the Finance Committee to secure these changes.

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

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

S. 821

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 ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

''(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during the period that begins on the date of enactment of the SSI Extension for Elderly and Disabled Refugees Act and ends on September 30, 2010.

''(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(I) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to the fiscal year in which such Act is enacted solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(II) PAYMENT OF BENEFITS.—Benefits paid under subparagraph (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.''.

Mr. KOHL. Mr. President, I rise today with my colleague Senator SMITH to introduce the SSI Extension for Elderly and Disabled Refugees Act. This is the third year that a bipartisan group of Senators will come together in support of this legislation to serve the individuals in our society who most need our help.

Due to short-sighted policy passed in the 1990's, elderly and disabled humanitarian immigrants face a time limit of seven years on eligibility for Supplemental Security Income (SSI) benefits. Refugees and asylees have seven years to become citizens—an inadequate amount of time, given the bureaucratic delays and hurdles these individuals face. Thus, thousands have already lost their benefits, and tens of thousands more will lose this important benefit if Congress does not enact our legislation.

It is estimated that in the next decade, more than 40,000 elderly or disabled humanitarian immigrants will lose their SSI benefits. This program is a safety net for those who need it; in 2007, the maximum SSI benefit is $623 for an individual and $934 for a couple—barely enough to afford basic necessities. The program is structured to help those with severe barriers to work or elderly individuals with little or no retirement income. To allow these benefits to expire is to take away a lifeline from the neediest individuals.

In Wisconsin, these individuals are often of Hmong descent. Many fought with the U.S. in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America serves as a shelter for those faced with persecution or torture in their own countries. Across the country, we have heard their stories; whether Jews and Baptists fleeing religious persecution in the former Soviet Union or Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom.

Our legislation will bring the SSI program in line with our other policies towards these humanitarian immigrants. This legislation extends the amount of time that refugees and asylees have to become citizens to nine years. In addition, the bill contains a ''reach back'' provision: it retroactively restores benefits to those individuals who have already lost them for an additional two years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

I believe we must act now to protect these individuals—we cannot let another year go by without action. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. KERRY, Mr. BUNNING, Mr. BINGAMAN, Mr. SALAZAR, Mr. COLEMAN, Mr.

SMITH, Mr. ALLARD, and Mr. CORNYN):

S. 822. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am introducing legislation with Senators FEINSTEIN, KERRY, BUNNING, BINGAMAN, SALAZAR, COLEMAN, SMITH, ALLARD and CORNYN that addresses the critical issue of the Nation's energy policy, the EXTEND the Energy Efficiency Incentives Act of 2007. The Senators have come together—given where we are as a Nation in terms of reliance on foreign oil . . . the historically high costs of energy . . . the state of our environment . . . and the status of our technological know-how—to introduce realistic, doable legislation that represents one of the best opportunities for developing bipartisan consensus on tax policy to further securing our nation and its future.

The EXTEND Act takes a comprehensive and practical approach to assure that the United States targets the maximum possible energy savings on the customer side of the meter and relief from high energy prices at the lowest cost. It builds on the incentives for efficient buildings adopted in Energy Policy Act of 2005, EPAct 2005, and modifies them where necessary to achieve these policy goals.

The bill extends the temporary tax incentives for energy efficiency buildings established in EPAct 2005, providing four years of assured incentives for most situations, and some additional time for projects with particularly long lead times, such as commercial buildings. A sufficient length of time is needed by the business community to make rational investments as these buildings will be in use for at least 50 to 100 years. The bill is meant to incentivize not discourage. I want to encourage large and small businesses alike to make investments to qualify for energy efficiency tax incentives. Commercial buildings and large residential subdivisions have lead times for planning and construction of 2 to 4 years. This is why the EXTEND Act provides four years of assured incentives for most situations, and some additional time for projects with longer lead times.

Also, the EXTEND Act makes modifications to the EPAct 2005 incentives so that the incentives are not based on cost but based on actual performance. These are measured by on-site ratings for whole buildings and factory ratings for products like solar water heaters and photovoltaic systems as well as air conditioners, furnaces, and water heaters. The EXTEND bill provides a transition from the EPAct 2005 retrofit incentives, which are based partially on cost and partially on performance, to a new system that can provide larger dollar amounts of incentives based truly on performance.

The bipartisan legislation also extends the applicability of the EPAct 2005 incentives so that the entire commercial and residential building sectors are covered. The current EPAct 2005 incentives for new homes are limited to owner-occupied properties or high rise buildings. Our bill extends these provisions to rental property and offers incentives whether the owner is an individual taxpayer or a corporation. This extension does not increase costs significantly, but it does provide greater fairness and clearer market signals to builders and equipment manufacturers.

I have worked hard over the past six years for performance-based energy tax incentives for commercial buildings—one third of energy usage is from the building sector, so there are great energy savings to be made with the extension of these incentives. It is reasonable to expect many annual benefits after 10 years if we put into place the appropriate incentives. For instance, direct savings of natural gas would amount to 2 quads per year or 7 percent of total projected natural gas use in 2017. And, to this figure must be added the indirect gas savings from reduced use of gas as an electricity generation fuel. Total natural gas savings would be 35 quads per year, or 12 percent of natural gas supply. Total electric peak power savings would be 115,000 megawatts; almost 12 percent of projected nationwide electric capacity for the year 2017.

In addition, reduction in greenhouse gas emissions would be 330 million metric tons of carbon dioxide annually, about 16 percent of the carbon emissions reductions compared to the base case necessary to bring the U.S. into compliance with the Kyoto Protocol; or roughly 5 percent of projected U.S. emissions in 2017. Also, importantly, the bill will result in the creation, on net, of over 800,000 new jobs.

The value of energy savings should not be overlooked as both business and residential consumers will be saving over $50 billion annually in utility bills by 2018, as a direct result of the reductions in energy consumption induced by the appropriate incentives. Also, the projected decrease in natural gas prices will be saving businesses and households over an additional $30 billion annually.

The EXTEND Act is synonymous with the security of America's future. The bill is a piece of an overall national energy picture that we need to address now. Consumers throughout the United States, from small businesses to families, are demanding leadership on energy prices. Congress should advance past rhetoric, gimmicks, and photo-ops and move to substantive energy policy legislation such as the EXTEND Act. It is imperative that Congress begin these policy discussions—we cannot wait for yet another crisis.

I look forward to working with my Senate colleagues and the Administration to provide the American people the leadership they deserve on these issues. And I would like to add some of the organizations and industries that support this legislation as it is a formidable list: Alliance to Save Energy; American Public Power Association; American Standard Companies; American Chemistry Council; American Council for an Energy-Efficient Commission; Anderson Windows, Inc.; Building Owners and Managers Association International; California Energy Commission; Cardinal Glass Industries; The Dow Chemical Company; DuPont; Edison Electric Institute; Environmental and Energy Study Institute; Exelon Corporation; 3M Company; Manufactured Housing Institute; National Association of State Energy Officials; National Electrical Manufacturers Association; Natural Resources Defense Council; New York State Energy Research and Development Authority; North American Insulation Manufacturers Association; Northeast Public Power Association; Owens Corning; Pacific Gas & Electric Company; Plug Power, Inc.; Polyisocyanurate Insulation Manufacturers Association; Public Service Electric and Gas Company; The Real Estate Roundtable; Residential Energy Services Network; Retail Industry Leaders Association; Sacramento Municipal Utility District; San Diego Gas and Electric Company; Southern California Gas Company; Union of Concerned Scientists.

By Mr. OBAMA (for himself, Ms. SNOWE, Mr. DURBIN, Mr. DODD, Mrs. CLINTON, Mrs. BOXER, Mr. SCHUMER, and Mr. KERRY):

S. 823. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today is International Women's Day, a day to celebrate the social, economic, and political achievements of women around the world. We have come a long way in equality for women since that first International Women's Day in 1909. Yet, even as we celebrate these victories, we must acknowledge and increase awareness of the myriad struggles that women continue to face today. The battle against HIV/AIDS is one such struggle, and one that women in this Nation and across the world are losing. And that is why today, I am reintroducing the Microbicide Development Act, to help women protect themselves against deadly HIV infection.

The devastation that HIV/AIDS is causing around the world is, sadly, not news to any of us. During a visit to Africa last August, I was reminded of this tragedy. I visited an HIV/AIDS hospital in South Africa that was filled to capacity with people who walked hours—even days—just for the chance to seek help. I saw just a few of the 15 million orphans in Africa who lost their parents to this epidemic. All the while, I

remembered in the back of my mind that in some areas, 90 percent of those infected with HIV are unaware of their status, and this epidemic will only continue to get worse.

But what we don't always focus on is the particular devastation HIV/AIDS is bringing to women worldwide. As of 2006, nearly half of the over 37 million adults living with HIV/AIDS worldwide were women. In sub-Saharan Africa, the prevalence of HIV/AIDS is 3 times higher among women ages 15 to 24 than among men of that age group. The severity of the problem hits close to home as well, with HIV/AIDS being the leading cause of death for African American women ages 25 to 34.

Women have unique biological vulnerabilities that make them twice as likely as men to contract HIV from an infected partner during intercourse. And for many women, particularly in the developing world, social and cultural norms deny them the ability to insist on mutual monogamy or condom use, thus limiting their tools for prevention. In many situations, women who become infected have only one partner—their husband. In fact, studies in India have shown that among women infected with HIV, 93 percent were married, and 91 percent overall had only one partner—their husbands. Focusing solely on ABC's—abstain, be faithful, use condoms—is clearly failing these women. There is a naivety in thinking that abstinence and fidelity are real options for all men and women around the world, and so we have a moral obligation to expand prevention tools.

Yet despite the fact that women have been increasingly devastated by this disease, female-initiated methods of prevention are limited and current prevention options are not enough.

Topical microbicides represent a woman-initiated method of prevention that would put the power of prevention in the hands of women. Mathematical models predict that even a partially effective microbicide could prevent 2.5 million infections over 3 years and that gradual introduction of newer and better microbicides could ultimately save a generation of women. Topical microbicides, therefore, represent a critical element in a comprehensive strategy to fight the HIV/AIDS pandemic.

A number of groups, including the International Partnership for Microbicides, the Alliance for Microbicide Development, the National Women's Health Network, the Global Campaign for Microbicides, and the Gates Foundation, have led the effort to develop a prevention tool for use by women. The National Institutes of Health has invested in microbicides research, including support for the newly formed Microbicides Trial Network. I would be remiss if I did not also recognize the efforts of the CDC and USAID in microbicide development. With 10 microbicide candidates currently in clinical development and over 30 in preclinical development, we are making headway in this field.

But we cannot let this momentum slow. We must continue to prioritize microbicide research and development. Increased Federal support and coordination, which is provided for in the Microbicide Development Act, will give a clear sign that the Federal Government is willing to put forth the effort critical to the development of an effective product to protect our mothers, daughters, sisters, and other loved ones. I echo the words of Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, who said that, ''with leadership, collaborative effort, sufficient financial resources, and product development expertise, a microbicide is within reach.'' Congress should support our Federal health agencies and their partners in their efforts, and passage of the Microbicide Development Act would give an unambiguous indication that this work is a priority for all of us.

In closing, I point out that we have made tremendous strides in medical treatment for individuals infected with HIV/AIDS. But this treatment comes with a price tag that is unsustainable. Between 2003 and 2005, for every one person receiving anti-retroviral treatment, ten more individuals became infected. We are not able to treat all of those currently infected let alone this exponentially growing number of individuals who will need treatment down the line. Universal treatment today would cost roughly $7 billion. Given that we only fund PEPFAR and the Global Fund at $2 billion, that $7 billion price tag, which is only going to grow, appears rather daunting. This financial situation serves to underscore the moral obligation we have to invest in microbicides and other prevention tools. Let us hope that during International Women's Days to come, we will be celebrating tremendous success in the fight against HIV/AIDS rather than the loss of yet another generation of women.

I thank you for this time, and I urge my colleagues to support the Microbicide Development Act.

By Mr. DODD:

S. 830. A bill to improve the process for the development of needed pediatric medial devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Pediatric Medical Device Safety and Improvement Act of 2007. This legislation provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults and could just be given reduced doses of adult products, many essential medical devices used extensively by pediatricians are not designed or sized for children. In fact, the development of new medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably due to differences in size, rates of growth, critical development periods, anatomy, physiological differences such as breathing and heart rate, and physical activity levels. To date, because the pediatric market is so small and pediatric diseases relatively rare, there has been little incentive for device manufacturers to focus their attention on children. The result has been that pediatric providers must resort to ''jury-rigging'' or fashioning make-shift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

For example, at present, left ventricular assist devices (LVADs) do not exist in the U.S. for children less than 5 years old. An LVAD is a mechanical pump that helps a heart that is too weak to pump blood through the body. So, infants and children under five years of age who have critical failure of their left or right ventricles have to be supported through extracorporeal membrane oxygenation (ECMO). An ECMO consists of a pump, an artificial lung, a blood warmer and an arterial filter, which is installed by inserting tubes into large veins or arteries located in the right side of the neck or the groin. While ECMOs can help children for short periods of time, they are problematic. They can cause dangerous clots and the blood thinners that prevent these clots may lead to internal bleeding. In addition, children must remain bedridden while using the device.

For young children needing to be on a ventilator to assist their breathing, the lack of non-invasive ventilators with masks that suitably fit babies has led to respiratory treatments that are inadequate or invasive treatment options such as placing a tube in the baby's throat.

Children needing prosthetic heart valves face a disproportionately high failure rate. Because of the biochemistry of children's growing bodies, prosthetic heart valves implanted in children calcify and deteriorate much faster than in adults. Typically, children with a heart valve implant who survive to adulthood will need four or five operations. Additionally, devices currently available for children must be better able to expand and grow as the child grows.

Over the past several years, efforts have been launched to better identify barriers to the development of pediatric devices and to generate solutions for improving children's access to needed medical devices.

Beginning in June 2004, the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the

National Organization for Rare Disorders (NORD), the National Association of Children's Hospitals, and the Advanced Medical Technology Association (AdvaMed) hosted a series of stakeholders meetings that yielded recommendations for improving the availability of pediatric devices. In October 2004, in response to a directive in the Medical Devices Technical Corrections Act of 2004, the Food and Drug Administration (FDA) released a report that identified numerous barriers to the development and approval of medical devices for children. And in July 2005, the Institute of Medicine (IOM) issued a report on the adequacy of postmarket surveillance of pediatric medical devices, as mandated by the Medical Device User Fee and Modernization Act of 2002. The IOM found significant flaws in safety monitoring and recommended expanding the FDA's ability to require post-market studies of certain products and improve public access to information about post-market pediatric studies.

This legislation seeks to address the equally important issues of pediatric medical device safety and availability. To begin with, the bill creates a mechanism to allow the FDA to track the number and types of medical devices approved specifically for children or for conditions that occur in children. It also allows the FDA to use adult data to support a determination of reasonable assurance of effectiveness in pediatric populations and to extrapolate data between pediatric subpopulations.

The market for pediatric medical devices simply isn't what it is for adults. Therefore, many device manufacturers have been reluctant to make devices for children. The bill creates an incentive for companies by modifying the existing Humanitarian Device Exemption (HDE) provision to allow manufacturers to profit from devices that are specifically designed to meet a pediatric need.

To prevent abuse, the bill reverts to current law which allows no profit on sales of devices that exceed the number estimated to be needed for the approved condition. This provision is modeled after the existing Orphan Products Division designation process. Under no circumstances can there be a profit on sales if the device is used to treat or diagnose diseases or conditions affecting more than 4,000 individuals in the U.S. per year which is the same number allowed under current law. Already approved adult HDEs upon date of enactment are eligible for the HDE profit modification but only if they meet the conditions of the bill. The lifting of the profit restriction for new pediatric HDEs sunsets in 2013 and the FDA is required to issue a report on its impact within five years.

In order to encourage pediatric medical device research, the bill requires the National Institutes of Health (NIH) to designate a point of contact at the agency to help innovators and physicians access funding for pediatric medical device development. It also requires the NIH, the FDA, and the Agency for Healthcare Research and Quality (AHRQ) to submit a plan for pediatric medical device research that identifies gaps in such research and proposes a research agenda for addressing them. In identifying the gaps, the plan can include a survey of pediatric medical providers regarding unmet pediatric medical device needs.

To better foster innovation in the private sector, the bill establishes demonstration grants for non-profit consortia to promote pediatric device development, including matchmaking between inventors and manufacturers and Federal resources. These demonstration grants, which are authorized for $6 million annually, require the federal government to mentor and help manage pediatric device projects through the development process, including product identification, prototype design, device development and marketing. Under the bill, grantees must coordinate with the NIH's pediatric devices point of contact to identify research issues that require further study and with the FDA to help facilitate approval of pediatric indications.

Finally, in its 2005 report on pediatric medical device safety, the IOM found serious flaws in the postmarket safety surveillance of these devices. The legislation allows FDA to require postmarket studies as a condition of clearance for certain categories of devices. This includes ''a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or is intended to be (1) implanted in the human body for more than one year, or (2) a life sustaining or life supporting device used outside a device user facility.''

The legislation also gives the FDA the ability to require studies longer than three years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer-term pediatric questions, such as the impact on growth and development. And, it establishes a publicly accessible database of postmarket study commitments that involve questions about device use in pediatric populations.

The legislation I am introducing today has been many years in the making. Last year, I introduced this legislation with Senator DeWine and I thank him for working with me on it and many other initiatives to improve children's health. I would like to also thank the Elizabeth Glaser Pediatric AIDS Foundation, the American Academy of Pediatrics, the American Thoracic Society and the National Organization for Rare Disorders for their tireless work and support for this legislation. The bill I am introducing today is supported by the Advanced Medical Technology Association (AdvaMed) and its member company Stryker and I thank them for their support. The bill reflects many of the comments they provided throughout the development of this legislation and I am pleased that they join me today in supporting its passage. Several other device manufacturers including Respironics, Seleon, and Breas Medical AB have previously supported this legislation and I would like to recognize and thank them for their continued support of the bill.

I look forward to working with patient groups, physicians, industry and my colleagues—including the Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee, Senators KENNEDY and ENZI—to move this legislation when the Committee considers medical device-related legislation. I urge my colleagues to support this legislation and I am hopeful that it will become law as soon as possible.

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. 830

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 ''Pediatric Medical Device Safety and Improvement Act of 2007''.

SEC. 2. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

''SEC. 515A. PEDIATRIC USES OF DEVICES.

''(a) NEW DEVICES.—

''(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

''(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

''(B) the number of affected pediatric patients.

''(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

''(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

''(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

''(C) the number of pediatric devices approved in the year preceding the year in

which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

''(D) the review time for each device described in subparagraphs (A), (B), and (C).

''(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

''(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

''(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

''(c) PEDIATRIC SUBPOPULATION.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).''.

SEC. 3. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking ''No'' and inserting ''Except as provided in paragraph (6), no'';

(2) in paragraph (5)—

(A) by inserting '', if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met,'' after ''public health''; and

(B) by adding at the end the following: ''If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.'';

(3) by striking paragraph (6) and inserting the following:

''(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

''(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

''(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

''(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

''(iv) The request for such exemption is submitted on or before October 1, 2013.

''(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

''(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

''(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

''(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

''(I) Neonates.

''(II) Infants.

''(III) Children.

''(IV) Adolescents.''; and

(4) by adding at the end the following:

''(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.''.

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 5.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 4. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

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

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 5. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals

for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 4; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 6. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 7. STUDIES.

(a) POSTMARKET STUDIES.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k)," after "The Secretary may by order"; and

(B) by inserting ", that is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.".

(b) DATABASE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall establish a publicly accessible database of studies of medical devices that includes all studies and surveillances, described in paragraph (2)(A), that were in progress on the date of enactment of this Act or that began after such date.

(B) ACCESSIBILITY.—Information included in the database under subparagraph (A) shall be in language reasonably accessible and understood by individuals without specific expertise in the medical field.

(2) STUDIES AND SURVEILLANCES.—

(A) INCLUDED.—The database described in paragraph (1) shall include—

(i) all postmarket surveillances ordered under section 522(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l(a)) or agreed to by the manufacturer; and

(ii) all studies agreed to by the manufacturer of a medial device as part of—

(I) the premarket approval of such device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e);

(II) the clearance of a premarket notification report under section 510(k) of such Act (21 U.S.C. 360(k)) with respect to such device; or

(III) the submission of an application under section 520(m) of such Act (21 U.S.C. 360j(m)) with respect to such device.

(B) EXCLUDED.—The database described in paragraph (1) shall not include any studies with respect to a medical device that were completed prior to the initial approval of such device.

(3) CONTENTS OF STUDY AND SURVEILLANCE.—For each study or surveillance included in the database described in paragraph (1), the database shall include—

(A) information on the status of the study or surveillance;

(B) basic information about the study or surveillance, including the purpose, the primary and secondary outcomes, and the population targeted;

(C) the expected completion date of the study or surveillance;

(D) public health notifications, including safety alerts; and

(E) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(4) ONCE COMPLETED OR TERMINATED.—In addition to the information described in paragraph (3), once a study or surveillance has been completed or if a study or surveillance is terminated, the database shall also include—

(A) the actual date of completion or termination;

(B) if the study or surveillance was terminated, the reason for termination;

(C) if the study or surveillance was submitted but not accepted by the Food and Drug Administration because the study or surveillance did not meet the requirements for such study or surveillance, an explanation of the reasons and any follow-up action required;

(D) information about any labeling changes made to the device as a result of the study or surveillance findings;

(E) information about any other decisions or actions of the Food and Drug Administration that result from the study or surveillance findings;

(F) lay and technical summaries of the study or surveillance results and key findings, or an explanation as to why the results and key findings do not warrant public availability;

(G) a link to any peer reviewed articles on the study or surveillance; and

(H) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(5) PUBLIC ACCESS.—The database described in paragraph (1) shall be—

(A) accessible to the general public; and

(B) easily searchable by multiple criteria, including whether the study or surveillance involves pediatric populations.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. OBAMA):

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; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to again raise the issue of Darfur. I may not match the tenacity of former Senator William Proxmire. You see, he came to the Senate floor every day—every day—for 19 years urging the Senate to ratify the 1948 Convention on Genocide. Finally, Senator

Proxmire prevailed. Finally, the United States became a signatory to this historic international agreement. We were one of the last, but we were on board.

The reason I come to the Chamber today to speak is because having noted the presence of the need for an international agreement on genocide, having acknowledged that a genocide is taking place in Darfur in the Sudan, a simple honest answer is we have done little or nothing about it.

I have tried each week to come to the Chamber to again highlight the situation and to propose what the United States can do. It is worth putting this matter in context. Several times in the history of this world, we have witnessed genocides of horrific proportion. One of the most recently noted tragedies, of course, involved 6 million Jews and others who were killed in the Holocaust in World War II.

When I was a young college student in Washington at Georgetown University, my first year I had an amazing professor whose name was Jan Karski. Karski was born in Poland. He was a member of the Polish underground resisting the Nazis in World War II. He used to come to our classes ramrod straight with military bearing, always dressed impeccably in starched white shirt and tie and would speak to us about government. He would intersperse his lectures with stories of his life.

I was fascinated with Dr. Karski. He told the story as a young man coming to Washington, DC, in the midst of World War II. He came here because he knew what was happening. He knew about the Holocaust, he knew about the concentration camps, and he knew something had to be done. So he came to war-weary Washington and tried to find someone receptive to his message.

He went from office to office, finally securing a meeting with President Roosevelt but never quite convincing the highest level of our Government in those days, trying to tell them, yes, there are concentration camps; yes, innocent people were being killed; yes, there was a Holocaust and something needs to be done.

Dr. Karski told us in these lectures that he left Washington empty-handed and despondent. Unfortunately, he never convinced America to act, and, unfortunately, the Holocaust continued.

I used to puzzle over this and imagine: How could it be? How could the people of a great Nation such as America stand back and not do anything if people were alerting them to the reality of genocide, the killing of innocent people? Sadly, I have come to understand it now because 4 years ago we declared a genocide was taking place in Darfur in Sudan. It was an amazing declaration, it was a courageous declaration by this Bush administration. The President, along with Secretary of State Colin Powell, and now Secretary of State Condoleezza Rice, have been unsparing in their criticism of the Sudanese Government, and they have used that word, ''genocide.'' But the sad reality is, having made this declaration, we have done nothing—nothing.

The President said early on he would not allow a genocide to occur on his watch. I have reminded him—and I am sure it is painful to hear—that his watch is coming to an end and the genocide continues and America continues to do nothing.

Today I am joined by my colleagues, Senator JOHN CORNYN of Texas, Senator SPECTER of Pennsylvania, and Senator LIEBERMAN of Connecticut in introducing the Sudan Divestment Authorization Act of 2007. This bill is designed to support the actions of seven States that have already passed divestment laws and the dozens more that are considering legislation.

The first of these States, I am proud to say, is the home State of this Senator and the Presiding Officer, the State of Illinois. Our friend and your former colleague, Mr. President, Jackie Collins, has led this fight. She is tenacious, and she is great to have on your team.

Over 50 universities and municipalities have also chosen to divest their portfolios of companies that directly or indirectly support the genocidal Sudanese Government. Countless individual Americans have made this same choice. These States, universities, and individuals have said they do not want their pensions or other investments to support a government that is carrying out mass atrocities against its own people.

In this morning's Washington Post, there is a graphic story written by Travis Fox of a visit to a refugee camp at Chad. I know the Presiding Officer has visited the refugee camps in Chad and has seen firsthand what is happening there: 230,000—230,000—Darfur refugees have streamed across the border and live in 12 United Nations-administered camps.

This heartbreaking story shows an emaciated young boy being fed by his mother. It goes on to say that so many of these children are dying of malnutrition, even in the refugee camps. They are trying to get this poor little boy to eat some food, which he thinks is horrible and spits out. He would rather go hungry than eat what he is being given.

These children are dying in these refugee camps and, sadly, more people are streaming to these camps because of the ongoing genocide in Darfur.

As many as 450,000 people, according to Human Rights Watch, have died from disease and violence in this genocide; 2.5 million people have been displaced since the fighting began. The United Nations reports that in the second half of the year 2006, 12 humanitarian workers were killed and 38 compounds were attacked.

This morning's paper also includes a report that members of the African Union and the peacekeepers who are valiantly trying to bring peace to this area are now being killed as well. Mr. President, 7,000 members of the African Union are there; 7,000 troops are policing an area as large as the State of Texas. Imagine, if you will, trying to contain the violence of a militia who is hellbent on killing innocent people, raping and pillaging with 7,000 soldiers. Even the best soldiers couldn't rise to that challenge. That is why America must rise to this challenge.

As I mentioned, divestment is one tool. It is not what I would prefer, but it is a move in the right direction. Our bill recognizes that divestment should be undertaken only in rare circumstances, but declarations of genocide by both the President and the Congress provide all the justification needed for these State and local efforts which our bill will support.

This bipartisan bill affirms it is the sense of Congress that States and other entities should be permitted to provide for the divestment of assets as an expression of opposition to the genocide and policies of the Khartoum Government.

It also expresses the sense of Congress that such State divestment laws are consistent with our Constitution and that, for example, they do not run afoul of the foreign commerce clause of the Federal foreign affairs power. The bill recognizes that nongovernmental organizations working in Sudan on humanitarian efforts or companies that are operating under Federal permit or to promote health or religious activities, for example, should not be classified as supporting the Sudanese Government.

We do not want to hinder the fine work that is being done by nongovernmental organizations, humanitarian organizations. What we want to do is put pressure on this Government in Khartoum to change this deadly policy which they have followed now for years.

This is a targeted bill. It is aimed at supporting State and local efforts in America to do the right thing.

Along with my colleague, Senator BROWNBACK, last fall I sent a letter to every Governor in the country whose State had not divested urging them to do so. I sent a similar letter to every university president in my State making the same request. I am proud to say that Northwestern University in Evanston, IL, and its president, Henry Bienen, had already quietly taken steps to divest of major companies operating in Sudan. President Bienen has been to Sudan. He has had a life experience there. He understands this on a personal basis. I met with him. I applaud him for his leadership.

Sadly, some universities have said no. Incredibly, they have said no. One university president of a major university in Illinois called me to explain why they could not bring themselves to divest of their investments in Sudan where this genocide is taking place. He gave a long, tortured explanation

about university policy. I asked him one question: Do you believe there is a genocide taking place in Darfur? There was a long silence. Then he said: Well, I guess I don't know. I said: Until you can answer that question, you shouldn't make this decision. Others have looked at the facts, and they have decided that genocide is taking place. I ask you: If you come to that same conclusion that a genocide is taking place, my next question is very simple and straightforward: What are you going to do about it?

I believe we have a moral responsibility. It goes beyond any political debate and any partisanship. I am glad the cosponsors of this legislation, which I am now putting before the Senate, are bipartisan in nature.

When I sent out these letters, incidentally, I had a wake-up call personally. A reporter called and said: So you are all for divestment, are you, Senator DURBIN? Oh, yes, I am committed to it. Guess what, Senator. We went through the handful of mutual funds you and your wife own and one has investments in Sudan. I was stunned. I said: I will sell immediately, which I did. It wasn't very painful to my portfolio, but I felt a little better when it was done.

It doesn't take much, but it is a reminder that change begins at home. Eleanor Roosevelt, who helped create and serve as the first chair of the United Nations Human Rights Commission once posed that famous question:

Where, after all, do universal human rights begin?

She answered:

Human rights begin in small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

That statement embodies the spirit that drives the divestment movement.

The Darfur movement in this country was born on college campuses with idealistic youth, but it has now spread across the Nation. The effort to divest is a struggle that students are continuing to have with the administrators in my home State and across the country.

These students are carrying on a legacy, a legacy of those students who came before them, who led the movement to divest from South Africa in order to starve apartheid, the rank discrimination and bigotry of our time in the great country of South Africa.

South Africa changed because of the courage and capabilities of people such as Nelson Mandela, who led one of the most remarkable revolutions of my time. Change will come in Sudan when Sudanese leaders are convinced or compelled to change. But the divestment movement helped to drive the process in South Africa, and it can help drive the process in Sudan today.

This bill is only a start, but it isn't the end of the discussion. Divestment is a useful tool but just that—only one tool among many we should be considering.

Yesterday, the Special Envoy to Sudan, Andrew Natsios, met with President Bashir in Khartoum. The press reported that it was a 20-minute meeting. I don't know how productive it was. It wasn't the first time they have met and, sadly, all the previous times have not led to any decision by the Khartoum Government to bring the militia under control, which is wreaking havoc and causing this genocide which is killing thousands and displacing hundreds of thousands of people.

Special Envoy Natsios has talked about what now has publicly been disclosed and described as Plan B. The biggest export of Sudan, no surprise, is oil. How is the oil exported? Through different companies—including companies owned by the Chinese, India, and Malaysia. Special Envoy Natsios told us that if the Sudanese Government did not respond by allowing U.N. peacekeepers to come in and protect these innocent people living in their villages by January 1 of this year, he would encourage the administration to move on Plan B, which calls for economic sanctions against the oil transactions coming out of Sudan.

January 1 has come and gone. According to the press reports, the President has ordered the Treasury Department to prepare a menu of options that would directly affect the Khartoum Government. I believe the President should use this list of options to enact additional meaningful sanctions immediately.

I have spoken to the President twice personally. I have spoken to Secretary of State Condoleezza Rice. I have tried to raise my voice on every occasion to urge them to do something and do it now. People are dying, people are starving to death. This genocide continues on our watch, America.

Today's sanctions program is based on Executive orders signed by President Clinton in 1997 and President Bush in 2006 and on the Darfur Peace and Accountability Act and a host of other laws that provide additional mechanisms. The menu of options is there.

Sudan produces 500,000 barrels of oil a year, 40 percent of which is exported. We can find a way to stop the revenue stream leaving Sudan and the money coming back into that country. I hope that is on the menu being presented to the Government.

New laws are not required for the President to enact these sanctions. He doesn't have to wait on Congress or a long debate. He has the power. It might, however, speed action along if Congress passed legislation to encourage him.

This week, the State Department released its annual Country Reports on Human Rights Practices. Imagine that, the United States each year boldly announces a report card on the rest of the world and how well they are doing in the area of human rights. Let me read a portion of that report on Sudan, a report from our own State Department, and I quote:

While all sides in Darfur violated international human rights and humanitarian law, the government and the Janjaweed militia continue to bear responsibility for genocide that occurred in Darfur. During the year the government, Arab militia forces, and Darfur rebel groups reportedly killed several thousand civilians.

By year's end, there were more than 2 million internally displaced persons in Darfur, and another 234,000 that fled into Chad, a neighboring country, where the U.N. High Commissioner for Refugees coordinated a massive refugees relief effort. According to the United Nations, more than 200,000 persons have died since 2003 as a result of the violence and forced displacement. The government continues to support the largely Arab nomad Janjaweed militia, which terrorized and killed civilians, raped women, and burned and pillaged the region.

During the year, the government resumed aerial bombardment of civilian targets, including homes, schools, and markets. There were no reports that the government of Sudan prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks. Government forces provided logistic and transportation support, weapons, and ammunition to progovernment militias throughout the country.

That is the report of our Government about ongoing genocide to which we have not responded.

The report goes on to detail attacks by helicopter gunships and bombers as well as ground assaults by both Janjaweed militia and uniformed soldiers. It also describes widespread and systemic sexual violence against women and children, often carried out by men in uniform. Some women who reported these rapes to the Sudanese police were then arrested for reporting them. During this year of violence, the Sudanese Government conducted only one single successful prosecution of a rapist, a man who was convicted of assaulting an 11-year-old girl. It is unclear how many violations have been prosecuted.

The report from the State Department also describes how the Sudanese Government systematically restricts humanitarian access to Darfur. The Government denies and delays visas and harasses and arrests humanitarian workers. This is all part of an effort to cut off the food and medicine humanitarian groups are bringing into Darfur.

The mere presence of international aid workers helps safeguard people in the camps as well. That is one more reason Khartoum tries to keep them out. Rebel groups add to the violence by attacking humanitarian workers as well, stealing their vehicles and supplies. According to the report, both the rebel groups and the government-supported militias use child soldiers to help fight their battles.

The State Department's Human Rights Report is just the latest testament to the atrocities that continue to unfold in Darfur.

Mr. President, it is time the world brought these crimes against humanity to a halt. We do that by taking steps that we can in the United States—starting with supporting divestment and imposing tougher sanctions, and we should go to the United Nations and demand a vote. We have been told over and over again that if we ask the United Nations to get involved, it is likely that one country on the Security Council—and many point to China—will veto that request. Well, so be it. Let us have this vote, let us be on the record, let us say that in the midst of genocide, we forced the issue to a vote and the United States voted on the side of compassion and humanity. Let those countries threatening a veto explain their position.

I thank my colleagues, Senator CORNYN, Senator SPECTER, and Senator LIEBERMAN for joining me in this step we take today to support State and local divestment. Many people wonder what one or two Senators can accomplish. We are fortunate in the State of Illinois to have a legacy of some great people who have served in the Senate, from both political parties. The Presiding Officer and I were fortunate to count as a friend a former U.S. Senator, the late Paul Simon.

In 1994, when the Rwanda genocide was unfolding, Paul Simon saw it, and he went to Jim Jeffords, a Republican Senator from Vermont, and he said: We have to do something; innocent people are being hacked to death in Rwanda. He and Senator Jeffords then called Romeo Dallaire, the U.N. Peacekeeping General in Rwanda at the time in 1994, and they asked: What will it take to stop the killing? He said: It will take 5,000 equipped soldiers, and I can stop this massacre—only 5,000. So Senator Simon and Senator Jeffords called down to the Clinton White House and said: We need to talk to somebody about getting 5,000 soldiers in to stop a massacre. Their call went unheeded. There was no response. President Clinton now apologizes today, saying it was one of the worst foreign policy decisions of his administration. I respect his honesty and candor, but the fact is, no soldiers were sent.

Recently, a little over a year ago, I visited Rwanda for the first time. I went to Hotel Rwanda, made famous by the movie, Hotel des Mille Collines, where a brave little hotel manager played the role of Oscar Schindler in his time. He started harboring people who otherwise would have been killed in the streets of Kigali, Rwanda. It was harrowing to walk through the hotel and imagine what life was like; to know that 11 years before, people huddled, afraid they were about to be pulled out and killed in the streets. You would look down at this beautiful, crystal-clear swimming pool and realize it was the water in that pool that sustained them during that period.

I went down the hill from that hotel to a red brick Catholic church, known as Ste. Famille. I looked inside during the early morning, and I went back to the hotel. Someone in the hotel said: That is a famous church. A thousand people sought asylum as refugees in that church but, unfortunately, the doors were opened and a thousand people were hacked to death in that church.

That is the reality of genocide. It is the reality of Rwanda, and it is the reality of Darfur. It is a reality we cannot ignore. We have the power. The question is, Do we have the will?

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. 831

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 ''Sudan Divestment Authorization Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the Senate and the House of Representatives passed concurrent resolutions declaring that ''the atrocities unfolding in Darfur, Sudan, are genocide''.

(2) On June 30, 2005, President Bush affirmed that ''the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation''.

(3) The Darfur Peace and Accountability Act of 2006, which was signed into law on October 13, 2006, reaffirms that ''the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan''.

(4) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan; and

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide.

(5) Efforts of States and other governmental entities to divest their pension funds and other investments of companies that operate in Sudan build upon the legal and historical legacy of the anti-apartheid movement in the United States, a movement which contributed to the end of apartheid in South Africa and the holding of free elections in that country in 1994.

(6) Although divestment measures should be employed judiciously and sparingly, declarations of genocide by Congress and the President justify such action.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States and other governmental entities should be permitted to provide for the divestment of certain State assets within their jurisdictions as an expression of opposition to the genocidal actions and policies of the Government of Sudan; and

(2) a divestment measure authorized under section 5 does not violate the United States Constitution because such a measure—

(A) is not preempted under the Supremacy Clause;

(B) does not constitute an undue burden on foreign or interstate commerce under the Commerce Clause; and

(C) does not intrude on, or interfere with, the conduct of foreign affairs of the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSETS.—The term ''assets'' means any public pension, retirement, annuity, or endowment fund, or similar instrument, managed by a State.

(2) COMPANY.—The term ''company'' means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations.

(3) COMPANY WITH A QUALIFYING BUSINESS RELATIONSHIP WITH SUDAN.—The term ''company with a qualifying business relationship with Sudan''—

(A) means any company—

(i) that is wholly or partially managed or controlled, either directly or indirectly, by the Government of Sudan or any of its agencies, including political units and subdivisions;

(ii) that is established or organized under the laws of the Government of Sudan;

(iii) whose domicile or principal place of business is in Sudan;

(iv) that is engaged in business operations that provide revenue to the Government of Sudan;

(v) that owns, maintains, sells, leases, or controls property, assets, equipment, facilities, personnel, or any other apparatus of business or commerce in Sudan, including ownership or possession of real or personal property located in Sudan;

(vi) that transacts commercial business, including the provision or obtaining of goods or services, in Sudan;

(vii) that has distribution agreements with, issues credits or loans to, or purchases bonds of commercial paper issued by—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan;

(viii) that invests in—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan; or

(ix) that is fined, penalized, or sanctioned by the Office of Foreign Assets Control of the Department of the Treasury for violating any Federal rule or restriction relating to Sudan after the date of the enactment of this Act; and

(B) does not include—

(i) nongovernmental organizations (except agencies of Sudan), which—

(I) have consultative status with the United Nations Economic and Social Council; or

(II) have been accredited by a department or specialized agency of the United Nations;

(ii) companies that operate in Sudan under a permit or other authority of the United States;

(iii) companies whose business activities in Sudan are strictly limited to the provision of goods and services that are—

(I) intended to relieve human suffering;

(II) intended to promote welfare, health, religious, or spiritual activities;

(III) used for educational purposes;

(IV) used for humanitarian purposes; or

(V) used for journalistic activities.

(4) GOVERNMENT OF SUDAN.—The term ''Government of Sudan''—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act, including the Government of National Unity, established in 2005 as a result of the Comprehensive Peace Agreement for Sudan; and

(B) does not include the regional Government of Southern Sudan.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any department, agency, public university or college, county, city, village, or township of such governmental entity.

SEC. 5. AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State may adopt measures to prohibit any investment of State assets in the Government of Sudan or in any company with a qualifying business relationship with Sudan, during any period in which the Government of Sudan, or the officials of such government are subject to sanctions authorized under—

(1) the Sudan Peace Act (Public Law 107–245);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497);

(3) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177);

(4) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344); or

(5) any other Federal law or executive order.

(b) APPLICABILITY.—Subsection (a) shall apply to measures adopted by a State before, on, or after the date of the enactment of this Act.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. REED, Mr. KENNEDY, Mr. ROCKEFELLER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CARPER, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 9. A joint resolution to revise United States policy on Iraq; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 9

Whereas Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq;

Whereas the circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially;

Whereas United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution; and

Whereas United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''United States Policy in Iraq Resolution of 2007''.

SEC. 2. PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (b).

(b) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States 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 United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(c) COMPREHENSIVE STRATEGY.—Subsection (b) 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.

(d) 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 report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—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

Mr. REID submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 101

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 Force, 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 have failed to receive 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) neither the President nor Congress should take any action that will endanger the Armed Forces of the United States, including eliminating or reducing funds for troops in the field or failing to provide them adequate training, equipment and other support, as such actions would undermine their safety or harm their 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 health care and other support services 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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 396. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 398. Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 399. Mr. COLEMAN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 400. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 401. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 402. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 403. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 404. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 405. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 406. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 407. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 408. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 409. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 410. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 411. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 412. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 413. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 414. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 415. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 416. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 417. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 418. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 419. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 420. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 421. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 422. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 423. Mr. INOUYE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 424. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 425. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 426. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 427. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 428. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 429. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 430. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 431. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 432. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 433. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 434. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 436. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 437. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 438. Mr. DODD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 439. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 440. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 441. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 396. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike line 13 and all that follows through page 21, line 8, and, insert the following:

''(A) establishing policies that limit the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, so as to encourage the sharing of information and developing procedures to expedite disputes concerning originator controls;

''(B) implementing a standard for the collection, sharing of, and access to information within the scope of the information sharing environment that would

On page 21, line 18, strike ''(D)'' and insert ''(C)''.

SA 397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 5 and 6, insert the following:

''(l) PRIVACY GUIDELINES.—

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

''(A) the information sharing environment, including expansions under the Improving America's Security Act of 2007, raises significant privacy and civil liberties issues that should be addressed in detailed, written, binding guidelines;

''(B) the guidelines entitled 'Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in Development and Use of the Information Sharing Environment' as distributed by the program manager of the information sharing environment on December 4, 2006, direct agencies to consider guidelines on many important privacy issues, but do not themselves provide sufficiently detailed guidelines to adequately protect privacy and civil liberties in the development and use of the information sharing environment; and

''(C) the implementation of detailed, written, binding guidelines to protect privacy and civil liberties is critical to the success of the information sharing environment.

''(2) GUIDELINES.—Not fewer than 270 days after the date of the enactment of the Improving America's Security Act of 2007, the President shall issue guidelines that shall supplement or supersede, as appropriate, the guidelines referred to in paragraph (1)(B) in order to—

''(A) define the privacy and civil liberties interests that such guidelines seek to protect;

''(B) govern the obtaining or accessing by the Federal Government of information within the information sharing environment from commercial data sources and other public sources as part of the information sharing environment;

''(C) permit information to be shared with an agency, and categories of particular personnel within such agency, only if the purpose for the sharing is within the assigned mission and responsibility of such agency and personnel;

''(D) require each agency to identify (within 90 days of the issuance of the supplemental or superseding guidelines under this paragraph) its data holdings that contain information relating to United States persons to be shared through the information sharing environment;

''(E) provide guidance and standards for agencies to ensure the accuracy, reliability, completeness, timeliness, and retention of their data holdings;

''(F) impose specific physical, technical, and administrative security measures to safeguard information shared through the information sharing environment from unauthorized access, disclosure, modification, use or destruction; and

''(G) incorporate mechanisms for accountability and enforcement, including continuous, real-time, immutable audit capabilities that record, to the maximum extent practicable, with whom information is shared.

''(3) PUBLIC COMMENT.—The President shall provide an opportunity for public comment in supplementing or superseding under this subsection the guidelines referred to in paragraph (1)(B).

''(4) REPORT ON CERTAIN INFORMATION.—

''(A) REQUIREMENT.—Not later than one year after the date of the enactment of the Improving America's Security Act of 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the information identified pursuant to (2)(D).

''(B) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term 'congressional intelligence committees' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

On page 23, line 6, strike ''(l)'' and insert ''(m)''.

SA 398. Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2007''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency''

means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ___04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 399. Mr. COLEMAN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 405 and insert the following:

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before a final rule is published in the Federal Register for the implementation of the Western Hemisphere Travel Initiative authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of the Western Hemisphere Travel Initiative; and

(2) the Secretary of State shall conduct a study of the mechanisms by which the execution fee for a PASS Card issued under such Initiative could be reduced, considering the potential number of applications for such Cards.

SA 400. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, strike lines 5 through 18 and insert the following:

et;

''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary; and

''(3) submit every 90 days to the committees of Congress referred to in paragraph (2) a report on the issuance of subpoenas by such senior official under subsection (b)(1)(C) during the preceding 90 days.''.

SA 401. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, between lines 22 and 23, insert the following:

''(5) INDEPENDENCE OF TESTIMONY.—No officer, employee, or agency within the executive branch shall have the authority to require the Board, or any member of the Board—

''(A) to receive permission to testify before Congress; or

''(B) to submit testimony, recommendations on legislation, or other comments to any officer, employee, or agency of the executive branch for approval, comments, or review before the submittal of such testimony, recommendations, or comments to Congress if such testimony, recommendations, or comments include a statement indicating that the views expressed therein are those of the Board and do not necessarily represent the views of the Administration.

SA 402. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81, line 20, strike ''Office for the Prevention of Terrorism, which shall be headed'' and all that follows through ''''(B)'' on page 82, line 1, and insert the following: ''Office for the Prevention of Terrorism.

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office for the Prevention of Terrorism shall be the Director of the Office for the Prevention of Terrorism, who shall be appointed by the President, by and with the consent of the Senate.

''(B) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

''(C)

SA 403. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 20 and all that follows through ''(F)'' on line 23 and insert the following:

(E) the Department of State;

(F) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(G)

SA 404. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 20, strike ''(C)'' and insert the following:

(C) in subsection (d), by adding at the end the following: ''The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.'';

(D)

SA 405. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, between lines 13 and 14, insert the following:

''(6) REMOVAL OF MEMBERS.—

''(A) IN GENERAL.—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

''(B) NOTICE ON REMOVAL.—The President shall submit notice on the removal of a member of the Board, including the reasons for the removal, to—

''(i) the Committees on Homeland Security and Governmental Affairs and the Judiciary

and the Select Committee on Intelligence of the Senate; and

''(ii) the Committees on Government Reform and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 406. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1505. COMPTROLLER GENERAL REPORT ON PERSONAL SERVICES CONTRACTS UNDER THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the utilization of personal services contracts by the Department of Homeland Security.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which the utilization by the Department of Homeland Security of personal services contracts has—

(A) reduced or impaired the ability of the Department to retain core functional capabilities that allow it to properly perform its mission;

(B) inhibited adequate oversight by the Department of functions performed by its contractors;

(C) undermined the integrity of decision-making processes within the Department;

(D) hindered the ability of the Department to meet the critical recommendations of the National Commission on Terrorist Attacks Upon the United States that the Department ''regularly assess the types of threats the country faces,'' and ''assess the readiness of the government to respond to threats that the United States may face''; and

(E) resulted in the outsourcing to private contractors or contracting firms of the ownership and retention of institutional knowledge, expertise, and intellectual property that are essential components of the ability of the Department to implement its basic mission and achieve its policy objectives.

(2) An assessment whether or not the Department is maintaining appropriate controls to prevent conflicts of interest or ethics violations involving personnel under its personal service contracts.

(3) A discussion of the implications of applying to personnel under personal service contracts of the Department the ethics and conflict of interest rules requirements that commonly apply to Federal employees.

(4) A discussion of such other matters (including matters relating to cost, transparency, accountability, and national security) in the utilization by the Department of personal services contracts as the Comptroller General considers appropriate.

SA 407. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 135, strike line 16 and all that follows through page 136, line 15, and insert the following:

(2) IMPROVING THE ACCURACY OF WATCH LISTS.—In developing the electronic travel authorization system authorized by section 217(h)(3) of the Immigration and Nationality Act, as added by paragraph (1)(D), the Secretary, in consultation with the Secretary of State, shall study the feasibility of using such system to improve the accuracy and reliability of government watch lists and correct erroneous information included in such a list, by—

(A) sharing information with relevant agencies regarding misidentifications caused by inaccurate or incomplete watch list entries;

(B) establishing a redress system for individuals who believe they have been identified erroneously;

(C) instituting performance metrics to track progress; and

(D) implementing other appropriate measures.

(3) REPORT.—

(A) REQUIREMENT.—Not later than 180 days prior to the date that the Secretary implements the electronic travel authorization system authorized by such section 217(h)(3), the Secretary shall submit to the appropriate congressional committees a report on such system.

(B) CONTENT.—The report required by this paragraph shall include—

(i) a privacy impact assessment, as described in section 208(b) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note);

(ii) a description of the automated processes, queries, and analyses the Secretary will develop to determine, in advance of travel, the eligibility of an alien to travel to the United States under the Visa Waiver Program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including—

(I) whether the Secretary will utilize algorithms or other analytic tools to profile or otherwise assess risks posed by aliens whose names are not on any watch list maintained by the Federal Government;

(II) a description of any such algorithm or analytic tool that will be used;

(III) an assessment of the efficacy, or likely efficacy, of any such algorithm or analytic tool in providing accurate information; and

(IV) a description of with whom the results of any such algorithm or analytic tool will be shared; and

(iii) a description of—

(I) the results of the study required by paragraph (2); and

(II) any elements of such electronic travel authorization system intended to improve the accuracy and reliability of government watch lists and the process by which any erroneous information included in such a list will be corrected.

(C) FORM OF REPORT.—The report required by this paragraph shall be submitted in unclassified form and may include a classified annex.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ''appropriate congressional committees'' means—

(i) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 408. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 330, strike lines 11 through 19, and insert the following:

''(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation following the recommendation in the report of the National Commission on Terrorist Attacks Upon the United States that every passenger aircraft carrying cargo shall deploy at least 1 hardened container; and''.

SA 409. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 15 and 16, insert the following:

SEC. 123. RISK ASSESSMENT CENTER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 208. RISK ASSESSMENT CENTER.

''(a) IN GENERAL.—There is established the Risk Assessment Center within the Office of the Secretary, which shall be headed by the Risk Assessment Manager.

''(b) MISSION.—The Risk Assessment Center shall be the lead component of the Department regarding the assessment of homeland security risk.

''(c) RESPONSIBILITIES.—The Risk Assessment Manager shall—

''(1) develop, and assist the Department in implementing, a methodology to analyze the effectiveness of the use of homeland security grant funds in reducing risk;

''(2) coordinate the work of other components of the Department having risk assessment responsibilities;

''(3) establish the national-level strategy for performing homeland security risk assessments;

''(4) proactively determine and assess the dynamic drivers of homeland security risk; and

''(5) lead efforts to collect and analyze the types of data necessary to assess homeland security risk from Federal agencies, State and local governmental authorities, and the private sector, as appropriate.

''(d) PERSONNEL.—The Risk Assessment Center shall be staffed with professional analysts who are risk management professionals with—

''(1) graduate degrees in mathematics, economics, or statistics;

''(2) skills in using mathematics, economics, or statistics to study uncertain future events, as those events relate to homeland security; and

''(3) experience working in the Department or another department or agency of the Federal Government in translating risk assessment methods into specific policy directives or resource allocation strategies and decisions.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 207, as added by this Act, the following:

''Sec. 208. Risk Assessment Center.''.

SA 410. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 12, after ''the extent to which'' insert ''man-made or''.

SA 411. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the ''Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007'' or the ''ADVANCE Democracy Act of 2007''.

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term ''Annual Report on Advancing Freedom and Democracy'' refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms ''Community of Democracies'' and ''Community'' mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term ''Department'' means the Department of State.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting ''entitled the Advancing Freedom and Democracy Report'' before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 2151n note) is amended by striking ''30 days'' and inserting ''90 days''.

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

SA 412. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commisssion to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after the item relating to section 803, insert the following:

Sec. 804. Model ports-of-entry.
Sec. 805. International registered traveler program.

On page 219, between lines 7 and 8, insert the following:

SEC. 804. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and courteous international visitor screening process in order to facilitate and promote travel to the United States; and

(2) implement the program initially at the 12 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) customer service training for Customs and Border Protection officers (including training in greeting arriving visitors) developed in consultation with the Department of Commerce and the United States Travel and Tourism Advisory Board, customer service ratings for such officers' periodic or annual reviews, and a requirement that officers provide a self-addressed, postpaid customer comment form; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PATROL OFFICERS FOR HIGH VOLUME PORTS.—Before the end of fiscal year 2008, the Secretary of Homeland Security shall employ an additional 200 Customs and Border Protection officers to address staff shortages at the 12 busiest international gateway airports in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 805. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports,and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US VISIT program, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program and may modify the fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US VISIT entry and exit system, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or

individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

SA 413. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1103.

SA 414. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 1 through 8, and insert the following:

SEC. 704. PROMOTION OF STANDARDS FOR PRIVATE SECTOR PREPAREDNESS.

(a) SENSE OF THE SENATE.—It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

(b) DEMONSTRATION PROJECT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

SA 415. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, strike lines 8 through 15.

On page 233, line 16, strike ''(c)'' and insert ''(b)''.

On page 233, line 19, strike ''(d)'' and insert ''(c)''.

On page 234, strike lines 17 through 21 and insert the following:

(2) CLASSIFIED INFORMATION.—

(A) IN GENERAL.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

On page 235, line 21, strike ''private sector'' and all that follows through page 236, line 4 and insert ''private sector.''.

On page 236, line 8, insert ''a report'' after ''submit''.

On page 236, beginning on line 11, strike ''a report'' and insert the following: '', and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report,''.

On page 236, strike lines 18 and 19 and insert the following:

''(2) CLASSIFIED INFORMATION.—

''(A) IN GENERAL.—The report under this subsection may contain a classified annex.

''(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.''.

On page 236, after line 23, insert the following:

SEC. 1004. PRIORITIES AND ALLOCATIONS.

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

SA 416. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 249, strike line 21 and all that follows through page 252, line 23, and insert the following: ''cooperative activity for the Department.

''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with domestic governmental organizations, businesses, federally funded research and development centers, and universities or, with the concurrence of the Secretary of State, foreign public or private entities.

''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

''(c) MATCHING FUNDING.—

''(1) IN GENERAL.—

''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

''(B) GRANT MATCHING AND REPAYMENT.—

''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

''(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

''(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.

''(f) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:

''(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

''(2) Section 112b(c) of title 1, United States Code.

''(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

''(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

''(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).''.

SA 417. Mr. BIDEN (for himself, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—UNITED STATES FOREIGN POLICY

Subtitle A—Public Diplomacy

SEC. 1601. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States, or of a State, as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed—

(1) to make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(j) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle B—Reconstruction and Stabilization

SEC. 1611. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2007''.

SEC. 1612. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this subtitle is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

SEC. 1613. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(3) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(4) SECRETARY.—Except as otherwise provided in this subtitle, the term ''Secretary'' means the Secretary of State.

SEC. 1614. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;

(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other Executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 1615. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE TO ALLEVIATE A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

''(2) FUNDS.—The funds referred to in this paragraph are as follows:

''(A) Funds made available under this section, including funds authorized to be appropriated by subsection (d).

''(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.

''(c) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the funds made available for this section in any fiscal year, including funds authorized to be appropriated by subsection (d) and funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section, $25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 61(c) of the State Department Basic Authorities Act of 1956.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) AUTHORIZATION.—There is authorized to be appropriated $75,000,000 to provide assistance authorized in subsection (a) and, to the extent authorized in subsection (c), for the purpose described in subsection (c). Such amount is in addition to amounts otherwise made available for purposes of this section, including funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended under this section.

''(3) AVAILABILITY.—Funds authorized to be appropriated under this subsection shall be available without fiscal year limitation.''.

SEC. 1616. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

''SEC. 61. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

''(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

''(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

''(D) Coordinating with relevant Executive agencies to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

''(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2007.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps established under subsection (c) or to otherwise participate in or contribute to stabilization and reconstruction activities.

''(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

''(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

''(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

''(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

''(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

''(1) assess the immediate and long-term need for resources and civilian personnel;

''(2) identify and mobilize non-military resources to respond to the crisis; and

''(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.''.

SEC. 1617. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 61 of the State Department Basic Authorities Act of 1956 (as added by section 1616) is amended by adding at the end the following new subsections:

''(c) RESPONSE READINESS CORPS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government, is authorized to establish and maintain a Response Readiness Corps (hereafter referred to in this subsection as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

''(2) FEDERAL COMPONENTS.—

''(A) ACTIVE AND STANDBY COMPONENTS.—The Corps shall have active and standby components consisting of United States Government personnel as follows:

''(i) An active component, consisting of not more than 250 personnel who are recruited, employed, and trained in accordance with this paragraph.

''(ii) A standby component, consisting of not more than 2000 personnel who are recruited and trained in accordance with this paragraph.

''(B) AUTHORIZED MEMBERS OF STANDBY COMPONENT.—Personnel in the standby component of the Corps may include employees of the Department of State (including Foreign Service Nationals), employees of the United States Agency for International Development, employees of any other Executive agency, and employees of the legislative branch and judicial branch of Government—

''(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

''(ii) who—

''(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

''(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

''(C) RECRUITMENT AND EMPLOYMENT.—The recruitment and employment of personnel to

the Corps shall be carried out by the Secretary, the Administrator of the United States Agency for International Development, and the heads of the other departments and agencies of the United States Government participating in the establishment and maintenance of the Corps.

''(D) TRAINING.—The Secretary is authorized to train the members of the Corps under this paragraph to perform services necessary to carry out the purpose of the Corps under paragraph (1).

''(E) COMPENSATION.—Members of the active component of the Corps under subparagraph (A)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962, 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

''(3) CIVILIAN RESERVE.—

''(A) CIVILIAN RESERVE.—The Corps shall have a reserve (hereafter referred to in this subsection as the 'Civilian Reserve') of non-United States Government personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1). The Civilian Reserve shall be established by the Secretary, in consultation with the Administrator of the Unites States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government.

''(B) COMPOSITION.—Beginning not later than one year after the date of the enactment of the Reconstruction and Stabilization Civilian Management Act of 2007, the Civilian Reserve shall include at least 500 personnel, who may include retired employees of the United States Government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector, who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities;

''(ii) have volunteered to carry out stabilization and reconstruction activities; and

''(iii) are available for training and deployment to carry out the purpose of the Corps under paragraph (1).

''(4) USE OF RESPONSE READINESS CORPS.—

''(A) FEDERAL ACTIVE COMPONENT.—Members of the active component of the Corps under paragraph (2)(A)(i) are authorized to be available—

''(i) for activities in direct support of stabilization and reconstruction activities; and

''(ii) if not engaged in activities described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

''(B) FEDERAL STANDBY COMPONENT AND CIVILIAN RESERVE.—The Secretary may deploy members of the Federal standby component of the Corps under paragraph (2)(A)(ii), and members of the Civilian Reserve under paragraph (3), in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.

''(d) EXECUTIVE AGENCY DEFINED.—In this section, the term 'Executive agency' has the meaning given the term in section 105 of title 5, United States Code.''.

(b) EMPLOYMENT AUTHORITY.—The full-time personnel in the active component of the Response Readiness Corps under section 61(c)(2)(A)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement section 61(c) of the State Department Basic Authorities Act of 1956 (as so added).

SEC. 1618. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

''(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

''(2) CURRICULUM CONTENT.—The curriculum should include the following:

''(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

''(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

''(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

''(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

''(E) A study of the United States interagency system.

''(F) Foreign language training.

''(G) Training and simulation exercises for joint civilian-military emergency response operations.''.

SEC. 1619. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 1617), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 1618) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this subtitle.

SEC. 1620. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this subtitle, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this subtitle, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM OR FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another Executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in

transition from conflict or civil strife during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM OR FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064) for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilization and reconstruction activities under this subtitle.

(e) INCREASE IN PREMIUM PAY CAP.—The Secretary, or the head of another Executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of another Executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary may accept volunteer services for the purpose of carrying out this subtitle without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.—

(A) IN GENERAL.—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a nonprofit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—Section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) AUTHORITY FOR OUTSIDE ADVISORS.—

(1) IN GENERAL.—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this subtitle.

(2) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

SEC. 1621. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each fiscal year $80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this subtitle and the amendments made by this subtitle (other than the amendment made by section 1615).

Subtitle C—Nuclear Nonproliferation Programs

SEC. 1631. ANNUAL REPORT ON NUCLEAR MATERIAL THREAT MITIGATION.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1, 2008, and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States Government efforts, for the year ending December 31 of the preceding calendar year, to mitigate the threats caused by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the progress achieved during the preceding calendar year and of the impediments to further progress in securing and reducing nuclear materials worldwide, taking into account the priority accorded to various sites and the plan set forth in the report submitted pursuant to paragraph (2) of section 3132(d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)), as updated pursuant to subsection (c)(1).

(B) Any needed adjustments to such plan or any updates to the plan.

(b) STRATEGIES REQUIRED FOR 2007 REPORT.—The report required under subsection (a) for the year ending December 31, 2007, shall also include the following strategies:

(1) A strategy for sustaining and building on the progress regarding nuclear material security that United States assistance has helped bring about in the independent states of the former Soviet Union and elsewhere.

(2) A strategy for integrating programmatic United States nonproliferation activities with the Proliferation Security Initiative, the G8 Global Partnership Against the Spread of Weapons of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, worldwide implementation of relevant United Nations Security Council resolutions, notably United Nations Security Council Resolution 1540 (2004), and other United States diplomatic and military nonproliferation and counterproliferation activities.

(c) BIENNIAL UPDATES.—The report required by subsection (a) for the year ending December 31, 2008, and for each even-numbered year thereafter, shall include—

(1) an update of the list of sites and the plan submitted pursuant to section 3132(d)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)); and

(2) an update of the strategies submitted pursuant to subsection (b).

(d) LATER DEADLINE APPLICABLE TO CERTAIN ANNUAL REPORTS.—The report required by subsection (a) for the year ending December 31, 2008, and for every fourth year thereafter, shall be submitted by May 15 of the succeeding year.

(e) INTEGRATION OF OTHER REPORTS.—

(1) POST-INAUGURATION REPORT ON NONPROLIFERATION AND THREAT REDUCTION OBJECTIVES OF THE PRESIDENT.—The report required by section 1339(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (50 U.S.C. 2357g(a)) may be integrated into the report submitted under subsection (d).

(2) INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—

(A) CITATION BY REFERENCE.—Information relevant to a report required under this section that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–341) for the fiscal year during which the report required under this section is submitted may be cited by reference in the report required under this section.

(B) INCLUSION IN APPENDIX.—Information described under subparagraph (A) that is cited by reference in a report required under this section shall be reprinted in an appendix to the report.

(f) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may be accompanied by classified appendices.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1632. NUCLEAR NONPROLIFERATION BUDGET REPORT.

(a) REPORT.—In connection with the budget submitted to Congress under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate congressional committees a report setting forth the nuclear nonproliferation budget of the Federal Government.

(b) COMPONENTS.—

(1) PROGRAMS.—The report required under subsection (a) shall include relevant programs of the Department of Defense, the Department of State, and the Department of Energy, such as the following:

(A) Within the Department of Defense: Cooperative Threat Reduction, WMD Proliferation Prevention Initiatives, and International Counter-Proliferation.

(B) Within the Department of State: International Science and Technology Centers

and other elements of the Global Threat Reduction Program, Nonproliferation and Disarmament Fund, Export Control and Related Border Security, Proliferation Security Initiative, and support for the International Monitoring System of the CTBTO Preparatory Commission.

(C) Within the Department of Energy: Nonproliferation and Verification Research and Development, Nonproliferation and International Security, International Nuclear Materials Protection and Cooperation, Global Threat Reduction Initiative, HEU Transparency Implementation, Elimination of Weapons-Grade Plutonium Production, and Fissile Materials Disposition.

(2) RELATED ACTIVITIES.—The report required under subsection (a) shall include activities of the Department of Commerce, the Department of Homeland Security, and other departments or agencies that are of the same type as, or are undertaken pursuant to, the programs described in paragraph (1).

(c) NONPROLIFERATION OBJECTIVES.—The report required under subsection (a) shall set forth—

(1) the objectives of the executive branch regarding nuclear nonproliferation;

(2) the contribution of each program to those objectives;

(3) the planned coordination of the programs in the upcoming fiscal year;

(4) the proposed budget for each program;

(5) the planned use of funds by each program; and

(6) the milestones that each program is expected to achieve.

(d) INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—

(1) CITATION BY REFERENCE.—Information relevant to paragraphs (4), (5), and (6) of subsection (c) that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–341) may be cited by reference in the report required under subsection (a).

(2) INCLUSION IN APPENDIX.—Information described under paragraph (1) that is cited by reference in a report required under subsection (a) shall be reprinted in an appendix to the report.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1633. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584 the following new section:

''SEC. 584A. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

''(a) ESTABLISHMENT.—The Secretary of State shall establish a contingency reserve within the Nonproliferation and Disarmament Fund established pursuant to section 504 of the FREEDOM Support Act (22 U.S.C. 5854) for use in securing and verifying the compliance of North Korea and Iran with separate agreements under which each country is obligated to suspend or abandon sensitive nuclear activities, facilities, and materials.

''(b) APPLICATION OF EXISTING LAW AND PROCEDURES.—The contingency reserve established under subsection (a) shall be subject to the provisions of sections 504, 507, and 508 of the FREEDOM Support Act (22 U.S.C. 5854, 5857, and 5858) and shall be administered using the financial release procedures of the Nonproliferation and Disarmament Fund.

''(c) CERTIFICATION REQUIREMENT.—Each report regarding the contingency reserve established pursuant to subsection (a) that is submitted pursuant to subsection 508(a) of the FREEDOM Support Act (22 U.S.C. 5858(a)) shall include a certification that—

''(1) a qualifying agreement described under such subsection is in force; and

''(2) full use is being made, as appropriate, of the Cooperative Threat Reduction Program of the Department of Defense, pursuant to section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated, in addition to other funds authorized to be appropriated for such purposes, $100,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.''.

SEC. 1634. INCREASED PROTECTION AGAINST RADIOLOGICAL THREATS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Nuclear Regulatory Commission should promulgate new regulations applicable to Nuclear Regulatory Commission licensees and licensees of Nuclear Regulatory Commission Agreement States to reduce the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination.

(b) RISK STUDY.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission shall submit to Congress a study of the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination and the feasibility of promulgating regulations to reduce that risk.

(c) CONSULTATION.—In conducting the study required by subsection (b) of this section, the Chairman of the Nuclear Regulatory Commission shall consult with appropriate members of the Nuclear and Radiation Studies Board of the National Academies.

Subtitle D—Global Pathogen Surveillance and Combating of Bioterrorism and Avian Influenza

PART I—GLOBAL PATHOGEN SURVEILLANCE

SEC. 1641. SHORT TITLE.

This part may be cited as the ''Global Pathogen Surveillance Act of 2007''.

SEC. 1642. FINDINGS; PURPOSE.

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

(1) The frequency of the occurrence of biological events that could threaten the national security of the United States has increased and is likely increasing. The threat to the United States from such events includes threats from diseases that infect humans, animals, or plants regardless of whether such diseases are introduced naturally, accidentally, or intentionally.

(2) The United States lacks an effective and real-time system to detect, identify, contain, and respond to global threats and also lacks an effective mechanism to disseminate information to the national response community if such threats arise.

(3) Bioterrorism poses a grave national security threat to the United States. The insidious nature of a bioterrorist attack, the likelihood that the recognition of such an attack would be delayed, and the underpreparedness of the domestic public health infrastructure to respond to such an attack could result in catastrophic consequences following a biological weapons attack against the United States.

(4) The ability to recognize that a country or organization is carrying out a covert biological weapons program is dependent on a number of indications and warnings. A critical component of this recognition is the timely detection of sentinel events such as laboratory accidents and community-level outbreaks that could be the earliest indication of an emerging bioterrorist program in a foreign country. Early detection of such events may enable earlier counterproliferation intervention.

(5) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in a foreign country could quickly spread to the United States. Considering the realities of international travel, trade, and migration patterns, a dangerous pathogen appearing naturally, accidentally, or intentionally anywhere in the world can spread to the United States in a matter of days, before any effective quarantine or isolation measures could be implemented.

(6) To combat bioterrorism effectively and ensure that the United States is fully prepared to prevent, recognize, and contain a biological weapons attack or emerging infectious disease, measures to strengthen the domestic public health infrastructure and improve domestic event detection, surveillance, and response, while absolutely essential, are not sufficient.

(7) The United States should enhance cooperation with the World Health Organization, regional international health organizations, and individual countries, including data sharing with appropriate agencies and departments of the United States, to help detect and quickly contain infectious disease outbreaks or a bioterrorism agent before such a disease or agent is spread.

(8) The World Health Organization has done an impressive job in monitoring infectious disease outbreaks around the world, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response Network.

(9) The capabilities of the World Health Organization depend on the quality of the data and information the Organization receives from the countries that are members of the Organization and is further limited by the narrow list of diseases (such as plague, cholera, and yellow fever) on which such surveillance and monitoring is based and by the consensus process used by the Organization to add new diseases to the list. Developing countries, in particular, often are unable to devote the necessary resources to build and maintain public health infrastructures.

(10) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting systems that—

(i) are based on disease and syndrome surveillance; and

(ii) could enable an effective response to a biological event to begin at the earliest possible opportunity;

(D) a narrowing of the existing technology gap in disease and syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national, international regional, and international health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(11) An effective international capability to detect, monitor, and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter, prevent, or contain terrorist use of biological weapons, mitigating the intended effects of such malevolent uses.

(b) PURPOSES.—The purposes of this part are as follows:

(1) To provide the United States with an effective and real-time system to detect biological threats that—

(A) utilizes classified and unclassified information to detect such threats; and

(B) may be utilized by the human or the agricultural domestic disease response community.

(2) To enhance the capability of the international community, through the World Health Organization and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(3) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based disease and syndrome surveillance systems, in addition to traditional epidemiology methods, so that such professionals and epidemiologists may better detect, diagnose, and contain infectious disease outbreaks, especially such outbreaks caused by the pathogens that may be likely to be used in a biological weapons attack.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology to detect, analyze, and report biological threats, including—

(A) relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis; and

(B) appropriate computer equipment and Internet connectivity mechanisms—

(i) to facilitate the exchange of Geographic Information Systems-based disease and syndrome surveillance information; and

(ii) to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of public health professionals who are employed by the Government of the United States to international regional and international health organizations, international regional and international health networks, and United States diplomatic missions, as appropriate.

(6) To expand the training and outreach activities of United States laboratories located in foreign countries, including the Centers for Disease Control and Prevention or Department of Defense laboratories, to enhance the public health capabilities of developing countries.

(7) To provide appropriate technical assistance to existing international regional and international health networks and, as appropriate, seed money for new international regional and international networks.

SEC. 1643. DEFINITIONS.

In this part:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term ''eligible developing country'' means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this part; and

(C) is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972 (26 UST 583).

(2) ELIGIBLE NATIONAL.—The term ''eligible national'' means any citizen or national of an eligible developing country who—

(A) does not have a criminal background;

(B) is not on any immigration or other United States watch list; and

(C) is not affiliated with any foreign terrorist organization.

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term ''international health organization'' includes such international organizations as the World Health Organization, regional offices of such organizations, and such regional international health organizations as the Pan American Health Organization.

(4) LABORATORY.—The term ''laboratory'' means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other medical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) SECRETARY.—Unless otherwise provided, the term ''Secretary'' means the Secretary of State.

(6) DISEASE AND SYNDROME SURVEILLANCE.—The term ''disease and syndrome surveillance'' means the recording of clinician-reported symptoms (patient complaints) and signs (derived from physical examination and laboratory data) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 1644. ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), assistance may be provided to an eligible developing country under any provision of this part only if the government of the eligible developing country—

(1) permits personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases within the borders of such country; and

(2) provides pathogen surveillance data to the appropriate agencies and departments of the United States and to international health organizations.

(b) WAIVER.—The Secretary may waive the prohibition set out in subsection (a) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

SEC. 1645. RESTRICTION.

(a) IN GENERAL.—Notwithstanding any other provision of this part, no foreign national participating in a program authorized under this part shall have access, during the course of such participation, to a select agent or toxin described in section 73.4 of title 42, Code of Federal Regulations (or any corresponding similar regulation) or an overlap select agent or toxin described in section 73.5 of such title (or any corresponding similar regulation) that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

(b) RELATIONSHIP TO REGULATIONS.—The restriction set out in subsection (a) may not be construed to limit the ability of the Secretary of Health and Human Services to prescribe, through regulation, standards for the handling of a select agent or toxin or an overlap select agent or toxin described in such subsection.

SEC. 1646. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Director of the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention, an appropriate facility of a State, or an appropriate facility of another agency or department of the United States (other than a facility of the Department of Defense or a national laboratory of the Department of Energy) for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a ''fellow'') may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—A fellow shall enter into an agreement with the Secretary under which the fellow agrees—

(A) to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the fellow's education or training;

(B) upon completion of such education or training, to return to the fellow's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least 4 years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) that, if the fellow is unable to meet the requirements described in subparagraph (A)

or (B), the fellow shall reimburse the United States for the value of the assistance provided to the fellow under the fellowship program, together with interest at a rate that—

(i) is determined in accordance with regulations issued by the Secretary; and

(ii) is not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of subparagraph (B) or (C) of paragraph (1) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

(d) AGREEMENT.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with the government of an eligible developing country under which such government agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of the fellow's studies; and

(3) to submit to the Secretary a certification stating that a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, including an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of a citizen of the United States in the fellowship program under the provisions of this section if—

(1) the Secretary determines that it is in the national interest of the United States to provide for such participation; and

(2) the citizen of the United States agrees to complete, at the conclusion of such participation, at least 5 years of employment in a public health position in an eligible developing country or at an international health organization.

(f) USE OF EXISTING PROGRAMS.—The Secretary, with the concurrence of the Secretary of Health and Human Services, may elect to use existing programs of the Department of Health and Human Services to provide the education and training described in subsection (a) if the requirements of subsections (b), (c), and (d) will be substantially met under such existing programs.

SEC. 1647. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND DISEASE AND SYNDROME SURVEILLANCE.

(a) LABORATORY TECHNIQUES.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense, and subject to the availability of appropriations, shall provide assistance for short training courses for eligible nationals who are laboratory technicians or other public health personnel in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks.

(2) LOCATION.—The training described in paragraph (1) shall be held outside the United States and may be conducted in facilities of the Centers for Disease Control and Prevention located in foreign countries or in Overseas Medical Research Units of the Department of Defense, as appropriate.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international health organizations.

(b) DISEASE AND SYNDROME SURVEILLANCE.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense and subject to the availability of appropriations, shall establish and provide assistance for short training courses for eligible nationals who are health care providers or other public health personnel in techniques of disease and syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) tools.

(2) LOCATION.—The training described in paragraph (1) shall be conducted via the Internet or in appropriate facilities located in a foreign country, as determined by the Secretary.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

SEC. 1648. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.

(a) AUTHORIZATION.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the public health laboratory equipment and supplies described in subsection (b).

(b) EQUIPMENT AND SUPPLIES COVERED.—The equipment and supplies described in this subsection are equipment and supplies that are—

(1) appropriate, to the extent possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used in a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with international regional and international public health networks; and

(4) not defense articles, defense services, or training, as such terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment or supplies that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment and supplies of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) COUNTRY COMMITMENTS.—The assistance provided under this section for equipment and supplies may be provided only if the eligible developing country that receives such equipment and supplies agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and supplies.

SEC. 1649. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the communications equipment and information technology described in subsection (b), and the supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—The communications equipment and information technology described in this subsection are communications equipment and information technology that—

(1) are suitable for use under the particular conditions of the area of intended use;

(2) meet the standards set forth by the World Health Organization and, as appropriate, the Secretary of Health and Human Services, to ensure interoperability with like equipment of other countries and international organizations; and

(3) are not defense articles, defense services, or training, as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of communications equipment or information technology that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds under subsection (a), preference should be given to the purchase of communications equipment and information technology of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(g) COUNTRY COMMITMENTS.—The assistance provided under this section for communications equipment and information technology may be provided only if the eligible developing country that receives such equipment and technology agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and technology.

SEC. 1650. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL HEALTH ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of the chief of a diplomatic mission of the United

States or of the head of an international health organization, and with the concurrence of the Secretary and of the employee concerned, the head of an agency or department of the United States may assign to the mission or the organization any officer or employee of the agency or department that occupies a public health position within the agency or department for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by an agency or department of the United States by reason of the detail of personnel under subsection (a) may be reimbursed to that agency or department out of the applicable appropriations account of the Department of State if the Secretary determines that the agency or department may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 1651. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations, the Director of the Centers for Disease Control and Prevention and the Secretary of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers for Disease Control and Prevention or the Department of Defense, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of such laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting the region in which the country is located.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of the laboratories of the Centers for Disease Control and Prevention or the Department of Defense located in foreign countries under this section may not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 1652. ASSISTANCE FOR INTERNATIONAL HEALTH NETWORKS AND EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing international regional and international health networks; and

(2) developing new international regional and international health networks.

(b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional international Field Epidemiology Training Programs in eligible developing countries.

SEC. 1653. FOREIGN BIOLOGICAL THREAT DETECTION AND WARNING.

(a) IN GENERAL.—The President is authorized to establish a capability for foreign biological threat detection and warning within either the Department of Defense, the Department of Homeland Security, the Central Intelligence Agency, or the Centers for Disease Control and Prevention with the technical ability to conduct event detection and rapid threat assessment related to biological threats in foreign countries.

(b) PURPOSES.—The purposes of the capability under subsection (a) shall be—

(1) to integrate public health, medical, agricultural, societal, and intelligence indications and warnings to identify in advance the emergence of a transnational biological threat;

(2) to provide rapid threat assessment capability to the appropriate agencies or departments of the United States that is not dependent on access to—

(A) a specific biological agent;

(B) the area in which such agent is present; or

(C) information related to the means of introduction of such agent; and

(3) to build the information visibility and decision support activities required for appropriate and timely information distribution and threat response.

(c) TECHNOLOGY.—The capability under subsection (a) shall employ technologies similar to, but no less capable than, those used by the Intelligence Technology Innovation Center (ITIC) within the Directorate of Science and Technology of the Central Intelligence Agency to conduct real-time, prospective, automated threat assessments that employ social disruption factors.

(d) EVENT DETECTION DEFINED.—In this section, the term ''event detection'' refers to the real-time and rapid recognition of a possible biological event that has appeared in a community and that could have national security implications, regardless of whether the event is caused by natural, accidental, or intentional means and includes scrutiny of such possible biological event by analysts utilizing classified and unclassified information.

SEC. 1654. REPORTS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense, shall submit to Congress a report on the implementation of programs under this part, including an estimate of the level of funding required to carry out such programs at a sufficient level.

SEC. 1655. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (c), there are authorized to be appropriated for the purpose of carrying out activities under this part the following amounts:

(1) $40,000,000 for fiscal year 2008.

(2) $75,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the amount authorized to be appropriated under this section for fiscal year 2008, not more than $4,000,000 may be obligated before the date on which a report is submitted under section 1654.

PART II—COMBATING BIOTERRORISM AND AVIAN INFLUENZA

SEC. 1661. COMBATING BIOTERRORISM AND AVIAN INFLUENZA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that training provided by the United States Government for the purpose of improving worldwide capabilities to detect, identify, and combat avian influenza should also include, whenever feasible, training to detect, identify, and combat agents that might be used in an act of biological terrorism.

(b) PROGRAM FOR COMBATING BIOTERRORISM.—The Secretary of State, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the President of the Institute of Medicine of the National Academies, shall establish a program to promote national, international, and private-sector actions to reduce the danger of bioterrorism and assist countries in compliance with United Nations Security Council Resolution 1540 (2004) by criminalizing bioterrorist activity, developing regulations governing the transfer and handling of disease samples, and developing and implementing agreed standards for biotechnology security and ethics.

(c) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report setting forth a 5-year plan of action for this program and indicating what funding would be required to implement the plan. The plan shall include a discussion of the feasibility of providing assistance in developing a biosecurity handbook that could gain international acceptance and implementation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State to carry out activities under this section the following amounts:

(1) $5,000,000 for fiscal year 2008, of which not more than $1,000,000 may be expended on the report required under subsection (c).

(2) $5,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

SEC. 1662. GLOBAL PATHOGEN SECURITY PROGRAM.

Chapter 9 of Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584A (as added by section 1633 of this title) the following new section:

''SEC. 584B GLOBAL PATHOGEN SECURITY PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of State shall establish a program to combat bioterrorism world-wide by providing training, equipment, and financial and technical (including legal) assistance in such areas as biosecurity, biosafety, pathogen surveillance, and timely response to outbreaks of infectious disease, and by providing increased opportunity for former biological weapons scientists to engage in remunerative careers that promote public health and safety.

''(b) ACTIVITIES INCLUDED.—Activities in the program established pursuant to subsection (a) shall include administration of the programs authorized by subtitle D of title XVI of the Improving America's Security Act of 2007 and may also include such activities as the Pathogen Security Program and the Biosecurity Engagement Program of the Office of Cooperative Threat Reduction in the Department of State.''.

SA 418. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(f) REPORT ON PROCESSING OF VISA APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the preceding twelve months, the length of time

between the submission of a request for a personal interview for a non-immigrant visa and the date of the personal interview of the applicant:

(1) The number of visa applications submitted to the Department in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant and the quality of the review of the application, including specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview, where appropriate, to occur not more than 30 days following the submission of a visa application.

SA 419. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, strike lines 6 through 20, and insert the following:

''(2) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

SA 420. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 6 and 7, insert the following:

''SEC. 2006. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) IN GENERAL.—There is established a Commercial Equipment Direct Assistance Program to provide equipment, technology and technical assistance to law enforcement agencies and other emergency response providers of local governments.

''(b) APPLICATION.—Law enforcement agencies or other emergency response providers of a local government desiring to be provided equipment, technology, or technical assistance under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator shall establish.

''(c) TRAINING AND INFORMATION.—The Administrator shall—

''(1) in consultation with law enforcement agencies and other emergency response providers of local governments, and other entities determined appropriate by the Administrator, develop and maintain a comprehensive list of counterterrorism technologies, equipment, and information; and

''(2) provide appropriate training to law enforcement agencies and other emergency response providers of local governments on the use of such technology, equipment, and information.

''(d) In order to be eligible for assistance under this section, applicants must certify that they have not been able to obtain such assistance through other grant programs administered by the Department, including The State Homeland Security Grant Program and The Urban Area Security. . . .

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for each of fiscal years 2008 and 2009; and

''(2) such sums as are necessary for fiscal years 2010 through 2013.

SA 421. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. JUSTICE FOR AMERICAN VICTIMS OF TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for American Victims of Terrorism Act''.

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this section in which money damages are sought against a foreign state for personal injury or death damage that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that the court shall decline to hear a claim under this subsection—

''(1) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act; and

''(2) even if the foreign state is or was so designated, if—

''(A) the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or

''(B) neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), was a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their when the act upon which the claim is based occurred.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) he term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may not be brought under this section unless the action is commenced not later than the latter of—

''(1) 10 years after the April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss and life insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damages claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—An appeal in the courts of the United States in an action brought under this section may be made—

''(1) only from a final decision under section 1291 of this title, and then only if filed with the clerk of the district court within 30 days after the entry of such final decision; and

''(2) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of instrumentality of a foreign state, only if filed under section 1292 of this title.

''(h) PROPERTY DISPOSITION.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to such section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities. A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant. Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.

''(i) DISCLOSURE.—All evidence filed in any action brought under this section, whether or not filed under seal, shall be disclosed to the Attorney General of the United States or his designee. The Attorney General shall promulgate such regulations as may be reasonably required to carry out the purposes of this subsection.''.

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY INTERESTS.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—A property interest of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property interest by the government of the foreign state;

''(B) whether the profits of the property interest go to that government;

''(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

''(D) whether that government is the real beneficiary of the conduct of the property interest; or

''(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property interest of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(3) GENERAL EXCEPTION.—Section 1605 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(ii) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under this section 1605 of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104–208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as the Congress intended. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this section.

SA 422. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) ALIEN ENEMY COMBATANTS.—

''(1) RESTORATION OF HABEAS CORPUS AND LIMITATION OF NONHABEAS CLAIMS.—Except for an application for a writ of habeas corpus to challenge the legality of executive detention filed in United States District Court for the District of Columbia or an appeal pursuant to paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), and subject to paragraph (2) of this subsection, no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

''(2) APPLICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents filed by or on behalf of an alien enemy combatant detained and held in custody outside the United States regarding the legality of the detention of that alien enemy combatant if the alien enemy combatant—

''(i) has been duly determined to be held and treated as an enemy prisoner of war pursuant to Army Regulation 190–8;

''(ii) is being detained in a territory in which there is an ongoing armed conflict; or

''(iii) except as provided in subparagraph (B), is facing a pending charge for an offense triable by a military commission or is under sentence of a military commission.

''(B) EXCEPTION.—Subparagraph (A)(iii) shall not limit jurisdiction for—

''(i) an appeal under the provisions of chapter 47A of title 10;

''(ii) an appeal under paragraph (2) or (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note); or

''(iii) an application for of a writ of habeas corpus to challenge the legality of military commission procedures or to challenge executive detention if the alien enemy combatant—

''(I) is detained in excess of the term of imprisonment of that alien enemy combatant;

''(II) is detained after being acquitted by the military commission for all charges; or

''(III) after being charged with an offense, is detained for 300 days or more without a military commission trial.

''(3) SECOND OR SUCCESSIVE APPLICATIONS FOR A WRIT OF HABEAS CORPUS.—

''(A) IN GENERAL.—No court, justice, or judge shall have jurisdiction to hear or consider a second or successive application for a writ of habeas corpus under paragraph (1).

''(B) CONSTRUCTION.—Nothing in this subsection shall be construed to deprive a court, justice, or judge or jurisdiction to hear a single application for writ of habeas corpus (but not a second or successive such application) that is filed—

''(i) to reassert claims raised in an application that was dismissed for lack of jurisdiction prior to the date of enactment of the Improving America's Security Act of 2007; or

''(ii) under the exception described in paragraph (2)(B).

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'alien enemy combatant' means an individual other than a United States citizen who has been duly determined by the United States to be an unlawful

enemy combatant (as defined in 10 U.S.C. 948(a)(1));

''(B) the term 'ongoing armed conflict' means that there is ongoing armed violence between organized armed groups, between a government and an organized armed group, or between governments; and

''(C) the term 'United States', when used in a geographic sense, has the meaning given that term in section 1005(g) of the Detainee Treatment Act of 2005.''.

(b) CONFORMING AMENDMENT.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to all cases, without exception, that are pending on or after the date of enactment of this Act.

SA 423. Mr. INOUYE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, beginning with line 4, strike through line 5 on page 215 and insert the following:

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1321 or 1403 of the Improving America's Security Act of 2007 or any provision of law amended by such title),'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities and nonprofit employee labor organizations'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America's Security Act of 2007.''; and

(5) by adding at the end the following:

''(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

''(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

''(bb) personnel working on transportation security by mode, including the number of contractors.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved.''; and

(2) in subparagraph (E), by striking ''Select''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive–7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

''(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(3) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1406 of the Improving America's Security Act of 2007;

''(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

''(C) a reasonable deadline by which the Plan will be implemented; and

''(D) a description of resource needs for fulfilling the Plan.

''(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

''(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

''(5) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

''(6) SURVEY.—

''(A) IN GENERAL.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

''(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

''(7) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

''(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(9) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

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

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SA 424. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Law enforcement biometric credential.

Sec. 1378. Employee retention internship program.

On page 5, after the item relating to section 1384, insert the following:

Sec. 1385. Requiring reports to be submitted to certain committees.

On page 254, line 11, strike ''Administration,'' and insert ''Administration and other agencies within the Department,''.

On page 254, line 12, insert ''Federal'' after ''appropriate''.

On page 267, line 11, strike ''through the'' and insert ''in consultation with''.

On page 267, line 19, strike ''and, through the Secretary of Transportation, to Amtrak,'' and insert ''and to Amtrak''

On page 269, strike lines 20 through 23 and insert the following:

(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 1322(b) of this title.

On page 269, line 19, after the period insert ''Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).''.

On page 281, beginning in line 24, strike ''terrorists.'' and insert ''terrorists, including observation and analysis.''.

On page 286, line 7, strike the closing quotation marks and the second period.

On page 286, between lines 7 and 8, insert the following:

''(f) PROCESS FOR REPORTING PROBLEMS.—

''(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

''(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

''(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

''(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

''(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).''.

On page 330, beginning in line 7, strike ''paragraph (2);'' and insert ''subsection (g);''.

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike ''fully implement'' and insert ''begin full implementation of''.

On page 338, strike lines 1 through 4 and insert the following:

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

On page 338, line 19, strike ''and''.

On page 339, line 3, strike ''positives.' ''. and insert ''positives; and''.

On page 339, between lines 3 and 4, insert the following:

''(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.''.

On page 339, line 21, strike ''utilizing appropriate records in'' and insert ''as well as''.

On page 342, line 9, strike ''47135(m));'' and insert ''47134(m));''

On page 342, line 21, strike ''47135(m)).'' and insert ''47134(m)).''

On page 343, beginning in line 9, strike ''to the Transportation Security Administration before entering United States airspace; and'' and insert ''at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and''.

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1377. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

''(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

''(i) consult with the Attorney General concerning implementation of this paragraph;

''(ii) issue any necessary rulemaking to implement this paragraph; and

''(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

''(B) PROGRAM REQUIREMENTS.—The program shall—

''(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

''(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

''(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

''(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

''(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

''(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

''(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

''(II) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

''(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

''(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

''(D) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1378. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for preemployment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall perform only those security responsibilities determined to be appropriate for their age and in accordance with applicable law and shall be compensated for training and service time while participating in the program.

On page 361, after line 22, insert the following:

SEC. 1385. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

(a) SENATE COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(e)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(2)(B)(ii) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 504(c) of this Act.

(9) Section 705 of this Act.

(10) Section 803(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1002(b) of this Act.

(b) SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1321(c) of this Act.

(2) Section 1323(f)(3)(A) of this Act.

(3) Section 1328 of this Act.

(4) Section 1329(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1341(a)(7) of this Act.

(7) Section 1341(b)(2) of this Act.

(8) Section 1345 of this Act.

(9) Section 1346(f) of this Act.

(10) Section 1347(f)(1) of this Act.

(11) Section 1348(d)(1) of this Act.

(12) Section 1366(b)(3) of this Act.

(13) Section 1372(b) of this Act.

(14) Section 1375 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1381(c) of this Act.

(17) Subsections (a) and (b) of section 1383 of this Act.

SA 425. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, after line 22, insert the following:

PART III—FISCAL YEAR 2007 AUTHORIZATION

SEC. 1355. FISCAL YEAR 2007 AUTHORIZATION

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2007 such sums as may be necessary to carry out this subtitle.

(b) AMENDMENT OF 49 U.S.C. 114(u).—Section 114(u) of title 49, United States Code, as added by section 1336 of this subtitle, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) such sums as may be necessary for fiscal year 2007;''.

SA 426. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

The Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, shall—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA 427. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, insert the following:

SEC. 1385. COORDINATION OF EVACUATION AND SHELTERING PLANS.

(a) REGIONAL EVACUATION PLANS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, using the findings contained in the report analyzing catastrophic hurricane evacuation plans, which was submitted to Congress pursuant to section 10204(d) of SAFETEA–LU (Public Law 109–59), in cooperation with the Secretary of Transportation and the Secretary of Defense, and in coordination with the plans established pursuant to subsection (b), shall establish, in coordination with state and local governments and submit to Congress, regional evacuation plans that—

(A) are nationally coordinated;

(B) incorporate all modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus; and

(C) clearly define the roles and responsibilities that each Federal, State, or local government agency should undertake to prepare for major evacuations.

(2) PROVISION OF EVACUATION AND SHELTERING SERVICES.—The Director of the Federal Emergency Management Agency, in coordination with States, units of local government, nonprofit organization, and other private entities, shall be prepared to provide regionally-coordinated evacuation and sheltering services for individuals affected by large-scale disasters.

(b) REGIONAL SHELTERING PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, using the findings described in subsection (a), in cooperation with the Secretary of Transportation and the Secretary of Health and Human Services, and in coordination with the plans established pursuant to subsection (a), shall—

(1) establish, and submit to Congress, regional sheltering plans that—

(A) are nationally coordinated; and

(B) identify regional and national shelters capable of housing evacuees and victims of a catastrophic natural disaster or terrorist attack in any part of the country; and

(2) develop a national sheltering database that can be shared with States and units of local government during a catastrophic event.

(c) IMPLEMENTATION.—Not later than 120 days after the evacuation and sheltering plans are submitted under this section, the Secretary, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Health and Human Services, shall—

(1) finalize procedures to implement the plans established pursuant to subsections (a) and (b); and

(2) report to Congress regarding whether additional authorities or resources are needed to facilitate the implementation of such plans.

(d) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct an analysis comparing the costs and benefits of evacuating the people of New Orleans during a natural disaster or terrorist attack compared to the costs and benefits of sheltering such people in the region.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Secretaries shall consider—

(A) the 20,000 to 30,000 people in New Orleans with special needs; and

(B) the absence of shelters in Orleans Parish.

(3) TECHNICAL ASSISTANCE.—The Secretary and the Secretary of Transportation shall provide technical assistance to State and units of local government that are establishing evacuation and sheltering plans, which identify and utilize regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

SA 428. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. REPAYMENT OF LOANS.

(a) IN GENERAL.—For any loan under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to a local government made with covered funds, the Administrator of the Federal Emergency Management Agency shall repay all or part of that loan from covered amounts to the extent that revenues of that local government during the 3 full fiscal year period following Hurricane Katrina of 2005 or Hurricane Rita of 2005, as the case may be for that loan, are insufficient to meet the operating budget of that local government, including additional disaster-related expenses of a municipal operation character.

(b) DETERMINATION.—The determination of whether revenues of a local government are insufficient to meet the operating budget of that local government under subsection (a) shall be made in accordance with the regulations issued under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), as in effect on March 8, 2007.

(c) DEFINITIONS.—In this section—

(1) the term ''covered amounts'' means amounts made available—

(A) under the heading ''DISASTER RELIEF'' in the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61; 119 Stat. 1989);

(B) under the heading ''DISASTER RELIEF'' in the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62; 119 Stat. 1991); or

(C) under the heading ''DISASTER RELIEF'' under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 459); and

(2) the term ''covered funds'' means funds made available—

(A) under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061); or

(B) under the heading ''DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT'' under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 459).

SA 429. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to

improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 174, strike line 1 and all that follows through page 177, line 20, and insert the following:

(1) DATA MINING.—The term ''data mining'' means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in paragraph (3).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX.—

(A) IN GENERAL.—A report under paragraph (1) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY.—Any annex described in subparagraph (A)—

(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(ii) shall not be made available to the public.

(4) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

SA 430. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. NONPROFIT COORDINATOR.

Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following:

''(g) NONPROFIT COORDINATOR.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Department to serve as a point of contact for nonprofit organizations.

''(2) RESPONSIBILITIES.—The employee designated under paragraph (1) shall—

''(A) promote and encourage the integration of nonprofit organizations into the mission of the Department;

''(B) serve as—

''(i) a guide and resource for nonprofit organizations; and

''(ii) a facilitator between nonprofit organizations and the Department; and

''(C) advance, and disseminate to nonprofit organizations, programs, initiatives, resources, strategies, and opportunities to improve security for, and the preparedness of, nonprofit organizations.''.

SA 431. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, lines 18 and 19, strike ''and each private sector advisory council created under section 102(f)(4)'' and insert ''each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers''.

On page 195, line 12, strike ''the American National Standards Institute and'' and insert ''representatives of organizations that coordinate or facilitate the development of and use of voluntary consensus standards''.

On page 195, lines 14 through 16, strike ''and each private sector advisory council created under section 102(f)(4)'' and insert '', each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers''.

On page 196, line 21, strike ''and'' after the semicolon.

On page 196, strike lines 17–23 and insert the following:

''(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established—

''(i) under any other provision of Federal law; or

''(ii) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

''(D) coordinate the program, as appropriate, with—

''(i) other Department private sector related programs; and

''(ii) preparedness and business continuity programs in other Federal agencies.

On page 201, between lines 9 and 10, insert the following:

''(e) COMPLIANCE BY ENTITIES SEEKING CERTIFICATION.—Any entity seeking certification under this section shall comply with all applicable statutes, regulations, directives, policies, and industry codes of practice in meeting certification requirements.

On page 201, line 10, strike ''(e)'' and insert ''(f)''.

On page 201, line 13, strike ''(f)'' and insert ''(g)''.

On page 201, line 18, strike ''(g)'' and insert ''(h)''.

On page 202, strike lines 20 through 24, and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

SA 432. Mr. STEVENS submitted an amendment intended to be proposed to

amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SA 433. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1375 insert the following:

( ) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

( ) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

( ) consult with the Attorney General concerning implementation of this paragraph;

( ) issue any necessary rulemaking to implement this paragraph; and

( ) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

( ) PROGRAM REQUIREMENTS.—The program shall—

( ) establish a credential or a system that incorporates biometric technology and other applicable technologies;

( ) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

( ) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

( ) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

( ) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

( ) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

( ) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

( ) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

( ) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

( ) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

( ) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

( ) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SA 434. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. TEMPORARY HOUSING ASSISTANCE FOR VICTIMS OF NATURAL DISASTERS.

Notwithstanding any provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any other provision of law, the Secretary may distribute any assets of the Department for the purposes of providing temporary housing to victims of natural disasters.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 6 and 7, insert the following:

''SEC. 2006. NONPROFIT SECURITY INITIATIVE.

''(a) DEFINITION.—In this section, the term 'eligible nonprofit organization' means an organization—

''(1) described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code; and

''(2) determined by the Secretary to be at-risk of terrorist attack.

''(b) ESTABLISHMENT.—There is established a Nonprofit Security Initiative, to make grants to eligible nonprofit organizations.

''(c) APPLICATION; ADMINISTRATION.—An eligible nonprofit organization desiring a grant under this section shall submit an application to the Secretary that includes—

''(1) a certification that no State or local government is making funds distributed under this title available to that eligible nonprofit organization for allowable physical security enhancements; and

''(2) such other information as the Secretary may require.

''(d) ALLOWABLE USES.—A grant under this section shall be used to enhance security by purchasing and installing equipment and enhancements approved by the Department, and providing related training.

''(e) DISTRIBUTION OF AWARDS.—

''(1) IN GENERAL.—In allocating grants under this section, the Secretary shall consider the relative threat, vulnerability, and consequences faced by the eligible nonprofit organization from a terrorist attack, including consideration of—

''(A) threats from any organization designated as an international terrorist organization by the Department of State or of unaffiliated radical extremists (within or outside the United States) against any group of United States citizens who operate or are the principal beneficiaries or users of that eligible nonprofit organization;

''(B) any prior attack by such an organization (within or outside the United States) against that eligible nonprofit organization or entities associated with or similarly situated as that eligible nonprofit organization;

''(C) the symbolic value or historic nature of that eligible nonprofit organization as a possible target of such an organization;

''(D) the role of that eligible nonprofit organization in emergency response and preparedness;

''(E) threat or vulnerability assessments relating to that eligible nonprofit organization;

''(F) increased threat to specific sectors or areas; and

''(G) any other relevant homeland security information the Secretary may consider as appropriate.

''(2) INFORMATION.—In allocating grants under this section, the Secretary may seek information and assistance from officials of State, regional, or local government.

''(f) NONEXCLUSIVITY.—An eligible nonprofit organization shall not be ineligible to participate in other allowable program activities (including planning, training, exercise, or equipment) under the Homeland Security Grant Program because that eligible nonprofit organization receives a grant under this section.

''(g) FUNDING.—Notwithstanding section 2011, for each fiscal year, the Secretary shall use not less than $25,000,000 of the total funds appropriated for the Homeland Security Grant Program for grants under this section.

''(h) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Secretary shall submit to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing—

''(1) the performance of grantees under this section; and

''(2) the efforts of the Secretary to improve the integration of nonprofit organizations into allowable program activities under the Homeland Security Grant Program and the efficacy of those efforts, particularly physical security enhancement activities under the Homeland Security Grant Program.

SA 436. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. DISASTER ASSISTANCE FOR DAMAGES FROM TORNADOS WHICH OCCURRED IN DESHA COUNTY, ARKANSAS.

For purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the tornados which occurred in Desha County, Arkansas during the period of February 23, 2005 through March 2, 2005, shall be a major disaster as defined under section 102(2) of that Act.

SA 437. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, beginning on line 21, strike ''and'' and all that follows through page 202, line 24, and insert the following:

''(B) ensure the program accommodates those needs where appropriate and feasible to assist such entities in providing discounts or other benefits, as deemed appropriate by those entities;

''(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established under any provision of federal law or those established by a sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto); and

''(D) coordinate the program with other private sector related programs of the Department, as well as preparedness and business programs in other Federal agencies, as appropriate.

''(c) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(1) AGREEMENT.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

''(B) CONTENTS.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

''(2) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(A) IN GENERAL.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

''(B) CONTENTS AND USE.—The procedures and requirements developed under subparagraph (A) shall—

''(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

''(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

''(C) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

''(3) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

''(4) THIRD PARTIES.—To be accredited under paragraph (3), a third party shall—

''(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

''(B) agree to perform certifications in accordance with such procedures and requirements;

''(C) agree not to have any beneficial interest in or any direct or indirect control over—

''(i) a private sector entity for which that third party conducts a certification under this section; or

''(ii) any organization that provides preparedness consulting services to private sector entities;

''(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

''(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

''(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

''(5) MONITORING.—

''(A) IN GENERAL.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

''(B) REVOCATION.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

''(i) revoke the accreditation of that third party to conduct certifications under this section; and

''(ii) review any certification conducted by that third party, as necessary and appropriate.

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

''(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

''(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

''(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

''(g) DEFINITION.—In this section, the term 'selected entity' means any entity entering an agreement with the Secretary under subsection (c)(1)(A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.''.

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto). Any entity seeking certification under section 522 of the Homeland Security Act of 2002, as added by this title, shall comply with all applicable provisions of law, rule, regulations, directives, and policies in establishing a program to meet certification requirements.

SA 438. Mr. DODD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike line 19 and all that follows through page 202, line 24.

SA 439. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 20 through 24 and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title may be construed—

(1) to supersede any preparedness or business continuity standards or requirements established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive–7 (or any successor thereto); or

(2) to authorize the Secretary or any other entity to apply any voluntary national preparedness standards compliance procedures or accreditation and certification program procedures or requirements under this title or an amendment made by this title to any company, financial institution, Federal credit union, State credit union, insurance company, or other entity, the activities of which are subject to regulation by any Federal banking agency, the National Credit Union Administration, the Securities and Exchange Commission, or the insurance commissioner (or the equivalent) of a State.

(b) DEFINITIONS.—In this section—

(1) the term ''Federal banking agency'' has the meaning given that term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(2) the terms ''Federal credit union'' and ''State credit union'' have the meanings given those terms in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

SA 440. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

''(f) EMERGENCY PLANNING FOR THE ELDERLY.—

''(1) DEFINITION.—In this subsection, the term 'emergency' has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

''(2) PLANNING.—

''(A) IN GENERAL.—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant under title II, III, XIII, or XIV of the Improving America's Security Act of 2007, or an amendment made by any such title, specifically takes into account the communication, evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

''(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

''(i) the input of geriatricians and other gerontology experts; and

''(ii) congressional hearing records on emergency planning for the elderly.

''(3) TRAINING.—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant under title II, III, XIII, or XIV of the Improving America's Security Act of 2007, or an amendment made by any such title, includes specific training components on the needs of the elderly.

''(4) EXERCISES.—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant under title II, III, XIII, or XIV of the Improving America's Security Act of 2007, or an amendment made by any such title, includes, as a component of the exercise, responding to the needs of the elderly.

''(5) EDUCATION.—The Secretary shall—

''(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

''(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

SA 441. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike '' ''(1) DATA-MINING.—'' and all that follows through ''(c) Reports on Data Mining Activities by Federal Agencies.—'' on page 2, and insert the following:

(1) DATA MINING.—The term ''data mining'' means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) IN GENERAL.—Subsection (d) of this section shall have no force or effect.

(2) REPORTS.—

(A) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(B) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(i) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(ii) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(iii) A thorough description of the data sources that are being or will be used.

(iv) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(v) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(vi) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(vii) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(I) protect the privacy and due process rights of individuals, such as redress procedures; and

(II) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(C) ANNEX.—

(i) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

(IV) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(ii) AVAILABILITY.—Any annex described in clause (i)—

(I) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(II) shall not be made available to the public.

(D) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(i) submitted not later than 180 days after the date of enactment of this Act; and

(ii) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

(d) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 14, 2007, at 10 a.m., to conduct a hearing on S. 223, the Senate Campaign Disclosure Parity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 126, to modify the boundary of Mesa Verde National Park, and for other purposes; S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; S. 444, to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; S. 500 and H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, D.C., and for other purposes; S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; and S. Con. Res. 6, Expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, WY, should be designated as the ''National Museum of Wildlife Art of the United States.''

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, Subcommittee on National Parks, United States Senate, Washington, DC 20510–6150, or by email to rachel__pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Roundtable Discussion has been scheduled before the Committee on Energy and Natural Resources.

The Roundtable Discussion will be held on Monday, March 26, 2007, at 2 p.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of the Roundtable is to discuss the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

Because of the limited time available for the Roundtable, participation is by invitation only. However, those wishing to submit written statements for the record should send two copies of their statement to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Black 202–224–6722 or Gina Weinstock at 202–224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2007, at 9:30 a.m., in open session to consider the following nominations: ADM. Timothy J. Keating, USN, for reappointment to the grade of Admiral and to be Commander, U.S. Pacific Command; LT. GEN. Victor E. Renuart, Jr., USAF, for appointment to be General and Commander, U.S. Northern Command/Commander, North American Aerospace Defense Command; and LT. GEN. Robert L. Van Antwerp, USA, for reappointment to the grade of Lieutenant General and to be Chief of Engineers/Commanding General, U.S. Army Corps of Engineers.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. 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 8, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Administration's proposal to reauthorize the Federal Aviation Administration.

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

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 8, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Perspectives on the 2007 Trade Agenda.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to hold a hearing on Afghanistan on Thursday, March 8, 2007, at 9:30 a.m., in Dirksen 419.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 8, 2007, at 10 a.m. in SD–430.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 8, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the Indian Health Care Improvement Act Amendments of 2007 which I intend to introduce in the near future. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 8, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Nominations: Thomas M. Hardiman to be United States Circuit Judge for the Third Circuit; Vanessa Lynne Bryant to be U.S. District Judge for the District of Connecticut.

II. Committee Authorization: Authorization of Subpoenas to Former U.S. Attorneys.

III. 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; S. 655, The American National Red Cross Governance Modernization Act of 2007, GRASSLEY, KENNEDY, FEINGOLD.

IV. Resolutions: S. Res. 88, Honoring the achievements of Deval Patrick, KERRY, KENNEDY; 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.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''Small Business Solutions for Combating Climate Change,'' on Thursday, March 8, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 8, 2007 at 9:30 a.m. in room 106 of the Dirksen Senate Office Building, to hear the legislative presentation of the Paralyzed Veterans of America, the Jewish War Veterans, the Vietnam Veterans of America, the Blind Veterans Association, and the Non Commissioned Officers Association.

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

JOINT ECONOMIC COMMITTEE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 562 of the Dirksen Senate Office Building, Thursday, March 8, 2007, from 9:30 a.m. to 12:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2007, at 2:30 p.m. to hold a business meeting and hearing.

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

MEASURE READ THE FIRST TIME—S.J. RES. 9

Mr. REID. Mr. President, S.J. Res. 9 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 9) to revise United States policy on Iraq.

Mr. REID. Mr. President, I ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, MARCH 9, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand adjourned until 9:15 a.m. Friday, March 9; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date; the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 4, and that the time until 9:30 a.m. be equally divided and controlled between the two leaders or their designees; that at 9:30 a.m. the live quorum with respect to the McConnell cloture motion be waived and the Senate then vote on the motion to invoke cloture on the Cornyn amendment No. 312, as modified; and that Members have until 10 a.m. to file any germane second-degree amendments.

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

PROGRAM

Mr. REID. Mr. President, the bill managers and their respective staffs have been working today to clear any amendments that are noncontroversial. They were getting close to having that package cleared, but it didn't work out. They will continue to work, hoping we will be able to clear some amendments during Friday's session.

After the cloture votes tomorrow morning, we will have more to say about the schedule with respect to S. 4, the 9/11 legislation. I would like to be more specific, but I can't be because there are still a lot of balls in the air and they have to come down before we can decide what the weekend schedule, if any, will be.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate—and the Republican leader has cleared everything that I have done to this point—I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:29 p.m., adjourned until Friday, March 9, 2007, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM B. CALDWELL IV, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 8, 2007:

THE JUDICIARY

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.