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No. 78

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 14, 2007, at 10:30 a.m.

## Senate

FRIDAY, MAY 11, 2007

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

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

Let us pray.

Lord of hosts, You have done great things for us, filling our hearts with gladness. You keep our eyes from tears, protect us from unseen dangers, supply us with wisdom, and direct our steps. Each breath we take is Your gift; each of our heartbeats is borrowed. Your benefits and blessings astound us, particularly Your willingness to save us.

Give our Senators today the assurance of Your presence. Inspire them with a calm faith, a steady peace, and a firm resolve to do Your will. Let no weapon formed against them prosper and let no force of evil that seeks to harm them prevail. Rather, may each lawmaker hear Your voice saying, "This is the way. Walk on this path."

We pray in Your all-powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN 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, May 11, 2007.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, today we are only going to be in morning business. There are no rollcall votes today, nor will there be on Monday. However, on Monday, Senators BOXER and INHOFE, the managers of the Water Resources legislation, will be here for Members to come to the floor and debate amendments.

It is my understanding that at least one Member on the majority side has

agreed to be here Monday to discuss his amendment.

Yesterday, Senator FEINGOLD discussed an amendment relating to Corps project prioritization. Senator FEINGOLD is willing to have that amendment voted on Tuesday morning after a brief period of debate. Therefore, Members should expect a rollcall vote or multiple votes prior to the 12:30 recess on Tuesday morning.

If we are unable to have the debates arranged so we have the votes on WRDA Tuesday morning, we will have a Federal district judge vote Tuesday morning. So we will have a vote Tuesday morning.

I suggest the absence of a quorum.

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

### IRAQ

Mr. REID. Mr. President, last night, the House of Representatives passed a new Iraq supplemental. So now it is our turn. We have to take the next step to pass our version of the bill that will go to conference. The House has done their job. We now have to do our job.

We all know reaching consensus on a new bill to send to the President will not be easy. That is what the Republican leader and I were talking about right here.

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



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Passions run high on this issue—very high. But there is new reason this week to believe a bipartisan consensus in Iraq is emerging. It is what the American people want. A recent poll—in fact, it was from a couple days ago—shows 75 percent of Americans favor benchmarks and 60 percent favor a timetable for reducing combat forces. It is what President Bush's own military advisers say we need, including General Petraeus, who has said this war cannot be won militarily. It is what Democrats have stood for with firm resolve throughout these entire negotiations.

Now, in the last few days, we have seen our Republican colleagues move closer to our position. Over the weekend, the House majority leader, JOHN BOEHNER, said:

By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

That is a timetable. The President has objected to our timetables. He vetoed our bill with timetables in it. The Republican leader in the House—the No. 1 Republican in the House—has told the President if things are not OK in September or October, something else has to happen. That is a timetable. Senator LOTT said:

This fall we have to see some significant changes on the ground.

And days ago, Leader MCCONNELL echoed those sentiments as well.

Meanwhile, on Wednesday a broad coalition of Republican House Members expressed their dissent directly to the President. They went to the White House, spent an hour and 15 minutes with the President. One of them, TOM DAVIS of Virginia, called it their chance to confront a President who, as he put it, is in a bubble.

In the spirit of bipartisanship, I am inclined to agree with that assessment. The President is in a bubble. He is isolated.

Every day, the ranks of dissatisfied Republicans grow. But I wish my Republican colleagues—who now agree that President Bush's open-ended commitment has failed—would put some teeth behind their views.

We have courageous American troops in harm's way every day. We lost another Nevadan this week. There may be a State that has lost more than the Presiding Officer's State, but I do not know what State that would be. The State of Ohio has suffered significantly in the loss of life.

It is time for action. It is time to change course. It is long past due.

But I would say the shift we are hearing from the Republicans, even though a little bit quiet, each day is getting louder and louder and louder. It is a welcome shift, and it is very encouraging. It gives me hope that in the coming days, weeks, and months we will be able to work together with good faith and bipartisanship to give our troops and all Americans the new course they demand and deserve and

the opportunity for our troops to come home.

We are going to do our very best to come up with something we can pass here in the Senate, send to the House, and confer, have a conference. We will do that to the very best of our ability. But, as I indicated earlier, it is not going to be easy.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

The Senator from Rhode Island is recognized.

#### POLITICIZATION OF THE DEPARTMENT OF JUSTICE

Mr. WHITEHOUSE. Mr. President, competence, independence, and sound judgment are the lodestar of the administration of justice in this country. Unfortunately, over the past few months, I and many Americans have been forced to question on all three counts those whom this President has appointed to lead the Department of Justice. Indeed, with each passing day, we sense more and more that something is gravely wrong.

For example, we have learned about the misuse and abuse of the Department's power to issue national security letters under the PATRIOT Act—which, even under the most legitimate and benign circumstances, represents a truly imposing authority. As you know, a national security letter, or NSL, is a Government demand for private information, issued without a warrant to third parties such as banks, phone companies, and Internet service providers. In March, the Department of Justice's inspector general reported that NSLs were being "seriously misused." Among other things, there were no clear guidelines for issuing national security letters. They were issued without proper authorization, there was sloppy recordkeeping by the FBI, and there were no procedures for purging a citizen's private information if the investigation was closed.

We have also, of course, learned about the unprecedented firings of eight U.S. attorneys—dismissals which seem to have been motivated by politics, marred by incompetence, or, more likely, both.

The details of the Department's misjudgments in this matter, and par-

ticularly the degree to which partisan politics has infiltrated this Department, become more numerous and more damaging to the Attorney General's credibility every day. But the politicization of the Department should come as no surprise when we examine how the rules governing initial contacts between the White House and the Department of Justice on non-national security-related investigations and cases—traditional criminal cases—have changed since President Bush took office.

During previous administrations, there were strict rules governing contacts between the White House and the Department of Justice on investigations and cases—and for good reason. A strong firewall is necessary to prevent undue and untoward efforts to inject politics into the administration of justice. During the Clinton administration, this firewall was articulated in a September 1994 letter from Attorney General Janet Reno to White House Counsel Lloyd Cutler. It is my understanding that credit goes to Senator HATCH, then chairman of the Judiciary Committee, for his interest in seeing this policy confirmed in this way. So this has been a continuing and bipartisan concern, this question of the firewall between the White House and the Department of justice. The Reno letter stated:

Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House counsel or deputy counsel, or the President or Vice President, and the Attorney General or Deputy or Associate Attorney General.

That policy is represented by this chart. On the White House side, the only people authorized to have these initial discussions on criminal cases are the President, Vice President, Deputy White House Counsel, and the White House Counsel. Within the Department of Justice, it is only the Attorney General, Deputy Attorney General, and the Associate Attorney General—a grand total of seven people.

As I noted during the Attorney General's testimony before the Judiciary Committee last month, that rule was changed in an April 2002 memo from Attorney General Ashcroft. The new policy permits initial communications on cases and investigations between the Office of the Deputy Attorney General and the office of the counsel to the President, and it also states that staff members of the Office of the Attorney General, if so designated by the Attorney General, may communicate directly with officials and staff of the Office of the President, the Office of the Vice President, and the office of counsel to the President.

The new rule is represented by this other chart. There are over 400 people in the White House now authorized to have those conversations with the Department of Justice, where before it was 4. Before, it was the very top administration officials in the White

House—the President, Vice President, Attorney General, White House Counsel, and Deputy White House Counsel. Who knows who all these other folks are. One of these boxes is Karl Rove. That makes you wonder. Down here, these are all the staff now within the Department of Justice who are authorized to have those communications, whereas before it was limited to the Attorney General, Deputy Attorney General, and Associate Attorney General.

These charts demonstrate the extraordinary latitude now permitted the White House and Department of Justice to discuss sensitive investigations and prosecutions. With the clear exception of discussions related specifically to national security, where one can understand you might want to have discussion also with the White House when it is a national security issue that would involve the military and other agencies of Government, for regular criminal cases and for prosecutions, I am hard-pressed to imagine any reason the Clinton-era rule needed expansion. Indeed, when I put this question to Attorney General Gonzales when he was before our committee, he had no answer.

These are not just bureaucratic niceties. Rules governing conduct within organizations have an obvious and direct effect on the conduct of people within those organizations. Clearly, the politicization of the Department has been either a byproduct or a cause of this changed rule. After all, the more political people you allow to weigh in on sensitive investigations and cases, the more you run the risk—or, indeed, make it possible—that those investigations and cases become inappropriately politicized.

So this brings us to FISA, the Foreign Intelligence Surveillance Act. Given all this, perhaps I should not have been surprised when I reviewed the administration's proposed Foreign Intelligence Surveillance Act "modernization" bill and compared it to the current FISA statute.

Under the current statute, title 50 of the U.S. Code, section 1804, passed in 1978, each application for a court order approving electronic surveillance under FISA must include the approval of the Attorney General, plus a number of required statements and certifications. One of those is a certification that information sought is "foreign intelligence information" and that such information "cannot be reasonably obtained by normal investigative techniques." That certification—a critical proceeding with a FISA application—can currently be made by only a few people:

The Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate.

That is actually a grand total of nine people, all senior level, all with a lot at

stake in making sure they do the right thing. This makes perfect sense, given the importance of such a certification.

Now, let's take a look at the administration's proposed FISA "modernization." That bill will allow the following people to certify applications for court orders under FISA:

The assistant to the President for National Security Affairs or an executive branch official or officials designated by the President to authorize electronic surveillance for foreign intelligence purposes.

So any executive branch official or officials designated by the President can now authorize—or could if this passed—electronic surveillance for foreign intelligence purposes.

According to the Congressional Research Service, the most conservative estimate of the number of people who could be called "executive branch officials" under this definition is 9,050. The number is actually probably greater than that. So, in other words, if the administration had its way, more than 9,000 people would be eligible for designation by the President to certify an application for a warrant to the FISA Court. That is what this chart demonstrates.

Just to give you an idea, over here on this chart, we are talking about individuals—each block represents a person. Here, because the numbers are so big, we have divided by nine. This block represented the existing FISA certification authority to the nine Presidentially appointed and Senate-confirmed individuals who qualified, and we reduced it to one. Each one of these blocks would also represent nine, so multiply by nine. I am probably stretching my limits on the floor by using two charts at the same time. If I had to represent this with 9 people here and 9,000 here, I would have charts up to the ceiling of this room. That is the scale they are trying to change this to. By the way, one of these people, again, would be Karl Rove.

What we have is another example of the Bush administration trying to break down established barriers that defend fair, professional, and responsible decisions in national security and in the administration of justice.

Making matters worse, the administration's FISA bill would greatly expand the powers of the Attorney General in a number of key areas.

I don't think I need to say again that this Attorney General has thoroughly and utterly lost my confidence. I think he has also lost the confidence of this Chamber and of the American people. In my view, he does not merit any greater authority, particularly where that authority involves the power of the Federal Government to invade personal privacy for the purpose of secret wiretaps. We gave him that kind of authority when we gave him the authority with the national security letters. Look what he did with it. That authority was "seriously misused." This is the man who has proven he cannot be trusted with these authorities.

The administration's bill would give the Attorney General expanded powers to hold on to information that was obtained without a warrant or obtained unintentionally. It would grant blanket immunity to any person or company that, from September 11 on, provided the intelligence community with any records, facilities, or assistance purportedly intended to protect against a terrorist attack. This blanket immunity power would allow the Attorney General to shut down a number of lawsuits and State investigations looking into whether and how companies provide detailed records about their customers' private communications.

It would allow powers to transfer any case before any court challenging the legality of classified communications intelligence activity, or any case in which the legality of such activity is even an issue, from the court it is filed in to the secret Foreign Intelligence Surveillance Court. This would be an extraordinary and unprecedented power for the Attorney General to forum-shop by grabbing cases out of open court and placing them before the secret FISA Court.

Finally, it would authorize the Attorney General to conduct surveillance directed toward foreign powers with fewer safeguards to ensure the surveillance will not capture the contents of Americans' communication.

This is just a sampling of the ways in which this bill would expand the Attorney General's authority under that FISA statute. We count at least 10 expansions of power.

Mr. President, the Department of Justice wields some of the most powerful tools held by any Federal agency.

The prosecutive power is probably the most severe power the Government holds. Among these powers is included the power to issue national security letters, the power through U.S. attorneys to prosecute criminal cases, and the power to help administer the Foreign Intelligence Surveillance Act.

These awesome powers must be used with competence, independence, and sound judgment. I am afraid the current Attorney General has not lived up to those high standards, and for that reason, I cannot support legislation that would increase this Attorney General's authority.

For that reason, I also call on him again to step down so we can begin to put this sad episode in the history—the proud history—of the Department of Justice behind us.

The Attorney General's resignation will not solve all the problems at the Department of Justice or the White House, but, regrettably, I have come to the conclusion it is a necessary first step.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, it is my understanding that we are now in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1369 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, this has been a very disappointing week from the standpoint of a discussion about international trade. Yesterday morning, at about 8:30 in the morning, we learned the trade deficit for the previous month has once again spiked up to a \$63.9 billion trade deficit in 1 month. And yet, most of this town continues to say how successful it is, this strategy of free trade.

This what has happened with our trade strategy. This chart represents an ocean of red ink. You can see, going back to 1995, we have had nothing but trouble, increasing deficits year after year. We are deep in debt with respect to our combined trade deficits. This is not a trade strategy that is working.

At about the same time that I learned that our trade deficit spiked up once again to \$63.9 billion in 1 month, I also learned that one of the largest employers in North Dakota, Imation, is leaving our State. They announced they are going to be closing their plant in Wahpeton, ND.

They have actually announced it well ahead of time, and they are not going to be completely gone until the year 2009. It is helpful that we received some advanced notice.

But this is a company that has 390 employees. It produces high-tech products in data storage and so on. Mr. President, 390 workers who are paid well, who have good jobs with good pay and good benefits, facing the prospect of all that disappearing.

I was on the phone yesterday with the CEO of this company, Imation, and asked questions. The company has said to its employees and to me that they are closing down this factory in North

Dakota because it produces floppy disks, and that is yesterday's technology. Floppy disks are on the way out, not on the way in. The market has moved and that is just the fact. So supposedly that has required them to make a decision to close this plant.

Come to find out, though, that only 55 people in a plant of 390 people are making floppy disks. The rest of the employees, of course, are not. They are involved in the production of other things. So it doesn't really make sense that they are closing the plant because of floppy disks.

Yesterday, in a conversation with the president of the company, after a lot of probing, I found out that 168 of the jobs in this plant are in fact going to moved to Juarez, Mexico. Why? Undoubtedly because of low wages paid in Juarez, Mexico. You can produce things less expensively if you are paying people 50 cents an hour, I suppose. But at its root it is exactly what is wrong with what is happening in international trade and our participation in it.

Instead of lifting others up, our entire trade strategy has been a strategy that says it is all right to push the standards in this country down. No, the workers in Wahpeton can't compete with Mexican workers, nor should they be expected to. And by the way, I will bet some others of these jobs will be migrating to China and some other places in Asia.

I am not here to trash a corporation; that is not my point. This company has been a good employer in our State for a long time. But I am very disappointed and very troubled they have announced they are leaving. In the last 5 to 7 years we worked hard to get them Federal Government grants, almost \$3 million in Federal grants, plus a guaranteed Federal loan to expand their plant in Wahpeton, ND. Then, just a few short years later, there is a U-turn in the corporate board room that says they have decided not only are they not going to want to proceed here, they are going to leave.

What about the millions of dollars of grants that we worked to get because we want to support those jobs? This, in a microcosm, is exactly what is going on all across this country. It is Wahpeton this week, but I could name almost any city and you will have the same thing.

I have been on the floor of the Senate many times talking about who is leaving and when and where and why and how. Levis—gone. They don't make any Levis in America. There is not one pair of Levis made in America. Fruit of the Loom underwear—all gone; no underwear made in America by Fruit of the Loom. Fig Newton cookies, they, too, went to Mexico. If you want to eat Mexican food, buy Fig Newton cookies. Radio Flier, Little Red Wagon—gone to China; Huffy bicycles, gone to China.

I could go on forever talking about things. But what happened in Wahpeton, ND, brings it home in a stark way to the people who dressed up

in the morning to go to work, appreciating those jobs, believing those jobs were important in their lives, just to find out that one day they are gone. And at least part of the reason they are gone is they can't compete with people who will work for a whole lot less money in other parts of the world. Should they be required to? Is our strategy to say, after we have built a set of standards for a century in this country, that those standards don't matter because you have to compete against a different standard? And the different standard is what they pay in China, what they pay in Mexico? We can't live on that in this country and that ought not be the standard.

I showed a chart with the red ink in terms of international trade deficits that we have. Our trade deficit last year was \$832 billion. You can make a case with the budget deficit, where the Congress spends more than it takes in—you can make the case from an economics perspective that is money we owe to ourselves. You can't make that case with the trade deficit. That is money we owe to foreigners, and we are going to repay it someday with a lower standard of living in this country. That is a fact.

I wake up and read there is apparently some sort of fiesta at the White House. It is probably appropriately following the Cinco de Mayo period. They gathered together, Republicans and Democrats, and said: We have reached a deal on trade.

So now we have a couple of trade agreements coming up—Peru, Panama, maybe also Colombia and Korea. And we have some folks who got together and said: We reached a deal on trade.

No one I know of in this Chamber has reached a deal on trade. I think there are plenty of voices in this Chamber that will rise in the coming week to say, no, the trade debate has to involve people in this Chamber who know that the current trade strategy doesn't work for this country.

It is not because we don't want to be engaged in trade. We believe in trade, and plenty of it. We support international trade. But we support international trade that is mutually beneficial to us and others. What has happened in recent trade agreements? I come back now to the issue of Mexico. We do a trade agreement with Mexico, and you turn a \$2 billion surplus into an annualized trade deficit now with Mexico—in the first 3 months of this year it is going to be \$70 billion a year, with Mexico. Think of that. We turned a trade surplus with Mexico, a \$2 billion surplus, into a \$70 billion deficit. You talk about incompetence? You talk about bad trade deals? This is the cherry on top of the sundae in bad trade deals.

Among the things they discussed yesterday is Korea. They made brief mention of that today in the paper. You have a couple of problems with Korea, aside from the fact that the agreement was generally negotiated incompetently.

Here is an example of what is wrong with Korea. Mr. President, 99 percent of the automobiles in Korea driven on the streets are made in Korea. Is that an accident? Why is that the case? Because that is the way Korea wants it. They don't want imported vehicles. They want the people of Korea to buy Koreans cars that produce Koreans jobs in the manufacturing marketplace.

Here is what has happened with Korea. Last year we sent Korea 4,200 American cars. That is our export market to Korea. Last year, Korea sent us 730,000 Korean cars to be sold in our marketplace. So Korea said: Load all these cars on ships, send them to America, sell them to American consumers and, by the way, while we send you 730,000 Korean cars, we will limit you to 4,200 American cars coming our way.

You say maybe there is not a market for American cars in Korea. Talk to the folks who try to sell Dodge Dakota pickups and learn that story, and then you will learn what happens with respect to American vehicles that are attempted to be sold in Korea.

Now, in the discussion this morning, I read of the celebration at the White House by Members of the House and the White House, making some sort of deal with respect to Panama, Peru, Colombia, I guess. They talked about labor standards, which I think is very important. In fact, the only trade agreement that has ever had labor standards is the Jordan agreement. The Clinton administration agreed that the free-trade agreement with Jordan would have labor standards.

Well, guess what. Last year there were findings of sweatshops operating underneath the umbrella of a free-trade agreement with supposedly strong labor standards in Jordan. Laborers were brought over from Bangladesh to sweatshops in Jordan, to turn Chinese materials into garments for sale in the U.S. market. The workers were forced to endure 20-hour days; yes, 20-hour days in sweatshop conditions in a country with whom we have a trade agreement where there are labor standards. These standards mean virtually nothing unless you have enforcement. All of these are just words unless you have enforcement. And this Administration has certainly demonstrated that it has no interest in enforcing labor standards.

The Government of Jordan has taken some steps to try to fix some of these problems. Is that because our U.S. trade officials tried to enforce the labor provisions in the trade agreement? No. It's because a labor rights group called the National Labor Committee exposed these problems, and because the New York Times wrote a front page story about them. So it's not the labor standards in the trade agreement that got the Jordan government to start to do the right thing, because this Administration never tried to enforce those standards. It was the fact that these abuses were independently exposed and held to the light.

These failed trade policies are undermining our country. This is pulling the rug out from under our country.

But this is kind of a Rip Van Winkle moment again. We have an announcement of surging trade deficits, and the Congress just sleeps through it, the White House sleeps through it. Instead of deciding there is a crisis we ought to deal with, we now see a bunch of people going to the White House and embracing, saying: We have got a new agreement between House leaders and the President with respect to how we are going to proceed on certain trade agreements.

Well, let me say to them there is another voice in this Congress, a voice that will come from the Senate. There are some of us that will insist we stand up for the economic interests of this country.

I am not suggesting we are against trade. That is not the case. But we will insist there will be a new day in trade agreements that stand up for our economic interests. That has not been the case to date.

Now, let me finish by going back to the issue of what has happened this week in Wahpeton, ND.

Those workers in Wahpeton, ND, appreciated those jobs; good jobs that paid well with good benefits. I appreciated the company that was there that made those jobs possible. But I do not appreciate the circumstance where we are told one day: It is over. Just a few years after we worked to get substantial Federal grants and guaranteed Federal loans to expand the manufacturing plant, the very plant we are now told is obsolete, or at least the very plant we are now told houses the production that will be moved elsewhere; production that will be moved to Mexico because of lower labor costs.

We did not strive for a century to raise standards in this country just to find them undermined day after day, by 30-cent or 20-cent-an-hour labor in China, or 50-cent-an-hour labor in Mexico. That is not the right approach. It is not an approach that strengthens, it is an approach that weakens our country.

We expanded the middle class in this country over a century by lifting people up. I will not go into great detail about it, but I have told this story 100 times about James Fyler, who died of lead poisoning. He was shot 54 times. That is lead poisoning, I guess. He was shot 54 times. The reason he was shot was because in the early part of the last century, he insisted that people who went into a coal mine to work ought to be able to be paid a fair wage and expected to be working in a safe coal mine; for that he was killed.

Over a century, so many men and women worked to raise standards, to say: People ought to have the right to organize, they ought to have the right to a minimum wage, a safe workplace. Over a century we lifted those standards. It did something important to expand the middle class of this country.

But this is being undermined by the massive trade deficits we are running, the \$836 billion annual deficit we had in 2006, and the nearly \$64 billion trade deficit we ran in March 2007.

I hope one day there will be enough of us in the Congress who will say: Stop. Enough. We are not going to put up with it. We are going to insist and demand that our trade agreements represent the best economic interests of our country. Yes, we want to help others. But most importantly, we want to preserve a standard of living in this country that gives us opportunity for the future.

Let me end by saying, again, I believe in trade. I believe in plenty of trade. I believe we can compete and compete successfully, but the rules have to be fair, and those who negotiate trade agreements have to do so with one eye on how it is going to affect this country.

Regrettably, most of the trade negotiations in the last two and a half decades have been incompetent and I think have pulled the rug out from under America's workers and dumbled down the standards that many have given their lives to create in this country.

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

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

The assistant legislative clerk to proceed to call the roll.

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

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

#### COMPREHENSIVE IMMIGRATION REFORM

Mr. REID. Mr. President, it is clear—we all agree—that the immigration system is broken and badly in need of a fix. We have 12 million immigrants, some of who live in constant fear. We have employers facing the quandary each day over who they can hire and who they cannot hire, while raids regularly disrupt and even shut down their businesses. Crops can't be harvested. Produce is dying on the vine because farmers cannot hire enough workers to harvest the crop. Under the current system, there are no winners but lots of losers.

Next Tuesday, right after our weekly party conferences, the Senate will have an opportunity to vote on whether to begin debate on the complex and critical challenge of immigration reform. The bill we debate and eventually pass will give us a chance to strengthen border security, put in place an effective and efficient employer verification system, design a new worker program to take the pressure off the border, and give those 12 million undocumented immigrants the opportunity to come out of the shadows and into the light of day.

Over the past several months, Senators from both sides of the aisle, Republicans and Democrats, have spent countless hours negotiating a bipartisan solution to this critical challenge. These Senators have been bargaining in good faith. I believe they are working hard to reach a compromise. I hope they can do that. But if they are not able to reach a new bipartisan agreement, we have an opportunity to move forward on a previous bipartisan piece of legislation. The bill I placed on the calendar is the same bill the Senate passed last year overwhelmingly with 23 Republicans voting in favor of the legislation. Last year's bill was far from perfect. Many of us had misgivings about it—this Senator included—but it is a solid, comprehensive package that will serve as a good start for this year's very important and vital debate. Several of my colleagues have said we should not move forward at this time; let's wait.

Over this weekend, there will be negotiations taking place—the rest of this day, Saturday, Sunday, and I hope Monday—to see if a compromise can be reached. If we put this off a week, the same thing would happen. People would be trying to work something out at the last minute. There has been ample opportunity for people to work out an arrangement. I have asked publicly and privately that the President be involved. Members have put so much time and effort into working on an immigration bill, they certainly should embrace a motion to start debate.

Those who have threatened a filibuster on the motion to proceed I hope will reconsider the threat and understand how illogical it would be not to allow us to proceed. A bill that passed this body last year with 21 Republicans voting for the legislation now saying they are not going to proceed does not make sense to me.

Let me be as clear as I can: By moving this bill, I am trying to make sure negotiations continue. There has been ample time for negotiations to bear fruit. The purpose of this legislation is to move forward on comprehensive immigration reform. I want this Congress to accomplish immigration reform, but we are running out of time to do it. We have set aside the next 2 weeks to do this. After that, we have 4 weeks, and then we have the July 4 recess. After that, 4 more weeks, and then we are into the August recess. There is no more time to do it. Today is the time. If we don't do it, starting next Tuesday, there will be no immigration reform this Congress. That would be a real shame.

The House is waiting for us to do this. As everyone knows, the schedule we have is so crowded. This next 2 weeks, in addition to doing immigration reform, we have to send a bill to the President for supplemental appropriations for the ongoing conflict in Iraq, the civil war in Iraq. We want to try to do our budget. We are going to finish WRDA. We have an energy bill

we have to do. That is keeping in mind all the procedural hurdles that are always present in the Senate.

A vote to proceed is a vote to open debate, not shut the door on it. If a new agreement is reached, it can be offered as a substitute amendment to this bill on the floor at any time. If a new agreement is not reached, we can legislate the old-fashioned way—taking out what people do not like and putting in new stuff. We can offer amendments to the existing bipartisan bill to make it even better than the one we passed last year. Either path leads to progress that is long overdue.

I suggest the absence of a quorum.

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

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 1495 now be agreed to; that on Monday, May 14, at 3 p.m., the Senate begin consideration of the measure and the majority manager, Senator BOXER, then be recognized to offer an amendment.

If I could withhold that, Mr. President, and note the absence of a quorum.

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

Mr. REID. Mr. President, as happens so much, a lot of times it appears that we are not doing anything, but the work done this morning off the Senate floor has been invaluable. The distinguished Republican leader and I have had a number of conversations; the last one took place just a few minutes ago here on the Senate floor.

As I indicated in my prepared remarks today, there are a number of Senators, Democrats and Republicans, trying to work something out on immigration. Over the last week or so, they have taken a step forward and three-quarters of a step backward. Progress is being made, but it has been incremental, and it has been slow.

Some of the Senators believe there is a breakthrough that could take place, but they need all day on Tuesday to do that. Staff is going to be working over the weekend with some Senators.

So, reluctantly, but I think in anticipation of the greater good, the Republican leader and I have agreed it would be in the best interests of the Senate to

put the cloture over on the immigration motion to proceed until Wednesday morning. Therefore, I will file cloture on Monday on the motion to proceed on immigration—not today.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2206

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the majority leader, with the concurrence of the Republican leader, may turn to the consideration of H.R. 2206 at any time.

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

Mr. REID. Mr. President, H.R. 2206 is the Iraq supplemental.

Mr. MCCONNELL. Mr. President, I was distracted. I am confused as to which unanimous consent request was just entered.

Mr. REID. It was the one, I say to my friend, dealing with Iraq. I only indicated just for general information what we were going to do on the immigration matter. This is the House-passed version of the supplemental that we can move to when we decide it is necessary, in spite of the fact that we may be involved, but for this agreement, in the postcloture proceedings.

Mr. MCCONNELL. All right.

Mr. REID. Mr. President, the prior statement before was to just alert those Senators who had called asking that we put the vote over that we are going to do that, and we will not vote on cloture on the immigration bill on Tuesday afternoon. We will be able to work all day on Monday and Tuesday on WRDA. Who knows, we may get lucky and be able to complete most of the work or all of the work on that.

Mr. MCCONNELL. Mr. President, let me just say with regard to the immigration bill, the only chance to get a bill is on a bipartisan basis. I agree with the decision of the majority leader to accept the recommendation of those who have been involved in that discussion, to give us the maximum opportunity to piece back together the bipartisan agreement that we thought we almost had a week or so ago on this most important legislation.

#### WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 1495 be agreed to; that on Monday, May 14, the Senate begin consideration of that measure, and that the manager of that bill, Senator BOXER, be recognized to offer an amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### ORDER FOR MEASURE TO BE PLACED ON CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

receives from the House H.R. 2206, the emergency supplemental appropriations bill, it be placed on the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### WRDA PROVISIONS

Mr. INHOFE. Mr. President, during yesterday's discussion of the motion to proceed to the Water Resources Devel-

opment Act, the chairman of the Environment and Public Works Committee, Senator BOXER, inserted into the RECORD a chart that shows which Member or Members requested each project-related provision in the WRDA bill. This chart, of course, was our effort to comply with the intent of S. 1, the Legislative Transparency bill. For some of the WRDA provisions, however, it was in fact a particular Member who secured inclusion of the provision in the

bill. Since the chart discloses each request, however, that distinction is not clear. With that in mind, I would like to provide the following list of provisions and the Members who secured them.

Mr. President, I ask unanimous consent that the chart 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:

#### Section 5003—Environmental infrastructure:

Jackson County, Mississippi (\$12,500,000)	Cochran	Lott.
DeSoto County, Mississippi (\$20,000,000)	Cochran	Lott.
(77) Chattooga County, Georgia (\$8,000,000)	Chambliss	Isakson.
(78) Albany, Georgia (\$4,000,000)	Chambliss	Isakson.
(79) Moultrie, Georgia (\$5,000,000)	Chambliss	Isakson.
(80) Stephens County/City of Toccoa, Georgia (\$8,000,000)	Chambliss	Isakson.
(81) Dahlonega, Georgia (\$5,000,000)	Chambliss	Isakson.
(82) Banks County, Georgia (\$5,000,000)	Chambliss	Isakson.
(83) Berrien County, Georgia (\$5,000,000)	Chambliss	Isakson.
(84) City of East Point, Georgia (\$5,000,000)	Chambliss	Isakson.
(85) Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia (\$10,000,000).	Chambliss	Isakson.
(86) Atchison, Kansas (\$20,000,000)	Roberts	
(87) Lafourche Parish, Louisiana (\$2,300,000)	Vitter	
(88) South Central Planning and Development Commission, Louisiana (\$2,500,000)	Vitter	
(89) Rapides Area Planning Commission, Louisiana (\$1,000,000)	Vitter	
(90) Northwest Louisiana Council of Governments, Louisiana (\$2,000,000)	Vitter	
(91) Lafayette, Louisiana (\$1,200,000)	Vitter	
(92) Lake Charles, Louisiana (\$1,000,000)	Vitter	
(93) Ouachita Parish, Louisiana (\$1,000,000)	Vitter	
(94) Union-Lincoln Regional Water Supply Project, Louisiana (\$2,000,000)	Vitter	
(95) Central Lake Region Sanitary District, Minnesota (\$2,000,000)	Coleman	
(96) Goodview, Minnesota (\$3,000,000)	Coleman	
(97) Grand Rapids, Minnesota (\$5,000,000)	Coleman	
(98) Willmar, Minnesota (\$15,000,000)	Coleman	
(99) City of Corinth, Mississippi (\$7,500,000)	Cochran	Lott.
(100) Clean Water Coalition, Nevada (\$20,000,000)	Ensign	
(101) Town of Mooresville, North Carolina (\$4,000,000)	Dole	
(102) City of Winston-Salem, North Carolina (\$3,000,000)	Dole	
(103) Neuse Regional Water and Sewer Authority, North Carolina (\$4,000,000)	Dole	
(104) Town of Cary/Wake County, North Carolina (\$4,000,000)	Dole	
(105) City of Fayetteville, North Carolina (\$6,000,000)	Dole	
(106) Washington County, North Carolina (\$1,000,000)	Dole	
(107) City of Charlotte, North Carolina (\$3,000,000)	Dole	
(108) City of Ada, Oklahoma (\$1,700,000)	Inhofe	
(109) Norman, Oklahoma (\$10,000,000)	Inhofe	
(110) Eastern Oklahoma State University, Wilberton, Oklahoma (\$1,000,000)	Inhofe	
(111) City of Weatherford, Oklahoma (\$500,000)	Inhofe	
(112) City of Bethany, Oklahoma (\$1,500,000)	Inhofe	
(113) Woodward, Oklahoma (\$1,500,000)	Inhofe	
(114) City of Disney and Langley, Oklahoma (\$2,500,000)	Inhofe	
(115) City of Durant, Oklahoma (\$3,300,000)	Inhofe	
(116) City of Midwest City, Oklahoma (\$2,000,000)	Inhofe	
(117) City of Ardmore, Oklahoma (\$1,900,000)	Inhofe	
(118) City of Guymon, Oklahoma (\$16,000,000)	Inhofe	
(119) Lugert-Altus Irrigation District, Altus, Oklahoma (\$5,000,000)	Inhofe	
(120) City of Chickasha, Oklahoma (\$650,000)	Inhofe	
(121) Oklahoma Panhandle State University, Guymon, Oklahoma (\$275,000)	Inhofe	
(122) City of Bartlesville, Oklahoma (\$2,500,000)	Inhofe	
(123) City of Konawa, Oklahoma (\$500,000)	Inhofe	
(124) City of Mustang, Oklahoma (\$3,325,000)	Inhofe	
(125) City of Alva, Oklahoma (\$250,000)	Inhofe	
(126) Vinton County, Ohio (\$1,000,000)	Voinovich	
(127) Burr Oak Regional Water District, Ohio (\$4,000,000)	Voinovich	
(128) Fremont, Ohio (\$2,000,000)	Voinovich	
(129) Fostoria, Ohio (\$2,000,000)	Voinovich	
(130) Defiance County, Ohio (\$1,000,000)	Voinovich	
(131) Akron, Ohio (\$5,000,000)	Voinovich	
(132) Meigs County, Ohio (\$1,000,000)	Voinovich	
(133) City of Cleveland, Ohio (\$2,500,000)	Voinovich	
(134) Cincinnati, Ohio (\$1,000,000)	Voinovich	
(135) Dayton, Ohio (\$1,000,000)	Voinovich	
(136) Lawrence County, Ohio (\$5,000,000)	Voinovich	
(137) City of Columbus, Ohio (\$4,500,000)	Voinovich	



(138) Beaver Creek Reservoir, Pennsylvania (\$3,000,000) .....	Specter .....	
(139) Myrtle Beach, South Carolina (\$10,000,000) .....	Graham .....	
(140) Charleston and West Ashley, South Carolina (\$6,000,000) .....	Graham .....	
(141) Charleston, South Carolina (\$3,000,000) .....	Graham .....	
(142) North Myrtle Beach, South Carolina (\$3,000,000) .....	Graham .....	
(143) Surfside, South Carolina (\$3,000,000) .....	Graham .....	
(144) Cheyenne River Sioux Reservation (Dewey and Ziebach Counties) and Perkins and Meade Counties, South Dakota (\$20,000,000) .....	Thune .....	
(145) City of Oak Ridge, Tennessee (\$4,000,000) .....	Alexander .....	Corker.
(146) Nashville, Tennessee (\$5,000,000) .....	Alexander .....	
(147) Counties of Lewis, Lawrence and Wayne, Tennessee (\$2,000,000) .....	Alexander .....	
(148) County of Giles, Tennessee (\$2,000,000) .....	Alexander .....	
(149) City of Knoxville, Tennessee (\$5,000,000) .....	Alexander .....	
(150) Shelby County, Tennessee (\$4,000,000) .....	Alexander .....	
(151) Johnson County, Tennessee (\$600,000) .....	Alexander .....	
(152) Plateau Utility District, Morgan County, Tennessee (\$1,000,000) .....	Alexander .....	
(153) City of Harrogate, Tennessee (\$2,000,000) .....	Alexander .....	
(154) Hamilton County, Tennessee (\$500,000) .....	Alexander .....	
(155) Grainger County, Tennessee (\$1,250,000) .....	Alexander .....	
(156) Claiborne County, Tennessee (\$1,250,000) .....	Alexander .....	
(157) Blaine, Tennessee (\$500,000) .....	Alexander .....	
(158) Chesapeake Bay (\$30,000,000) .....	Warner .....	
Section 5004:		
Alaska (\$15,000,000): .....	Stevens .....	Murkowski.
Section 5012:		
Big Creek, Georgia, Watershed Management and Restoration Program (\$5,000,000) .....	Chambliss .....	Isakson.
Section 5013:		
Metropolitan North Georgia Water Planning District (\$20,000,000) .....	Chambliss .....	Isakson.
Section 5014:		
Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, and Wyoming (Idaho—\$30,000,000; Utah—\$25,000,000; Wyoming—\$30,000,000) .....	Craig, (ID) Thomas (WY) .....	Bennett (UT), Crapo (ID).
Section 5017:		
Southeast Louisiana Region, Louisiana (\$17,000,000) .....	Vitter .....	
Section 5018:		
Mississippi (\$10,000,000) .....	Cochran .....	Lott.
Section 5021:		
North Carolina (\$13,000,000) .....	Burr .....	
Section 5022:		
Ohio River Basin Environmental Management (\$2,500,000) .....	Lugar .....	
Section 5023:		
Statewide Comprehensive Water Planning, Oklahoma (\$6,500,000) .....	Inhofe .....	
Section 5025:		
Texas (\$40,000,000) .....	Hutchison .....	Cornyn.

### HONORING MOTHERS

Mr. BYRD. Mr. President, Sunday, May 13, is Mother's Day. Motherhood and May are a perfect pairing of all that is warm and nurturing. The earth is soft and green, with the buds of new leaves and new life appearing everywhere. Birds fill the air with their love songs and flowers scent the breezes with their soft perfumes. All around us, if we but look, we see the signs of happy motherhood, from the ducklings in a neat line behind their mother on a pond to calves curled up asleep by their mother's feet in deep green pastures. In neighborhood parks, mothers bring their toddlers out to play in the sunshine before their afternoon naps or push sleeping newborns in strollers along shade-dappled paths. In the springtime, the great cycle of life is at its fullest flow.

On this one lovely spring Sunday, the Nation heeds the Biblical admonition to "honor thy mother." It is an opportunity to make up for those times all year that we may have overlooked our own mother's contributions to our well-being, or snapped at her well-meaning advice and loving attempts to straighten our collars and smooth our hair. Such is the lot of mothers—to be essential but so often unappreciated.

Mothers are like water—without a mother, life could not exist, while not enough mothering can stunt growth like a plant in a desert, but too much mothering can be as smothering as floodwaters on a field of corn.

Motherhood is a delicate high-wire act, balancing love and discipline, care and independence, attention and self-reliance. It is time consuming, often stressful, unpaid, and with no promotion and little recognition. It is a Sisyphean task. Yet mothers persevere, rising each day to begin anew, building families with every meal they prepare, every schedule they coordinate, every book they read with their children, every dirty sock they collect and transform into clean and folded laundry. It takes strong women to do it well and to keep up the effort over the many years of childrearing, for this is not a job that one can hand in a resignation letter or shop around a resume to find a better position. It is a job that is truly what a mother makes of it, for good or for ill. "The hand that rocks the cradle is the hand that rules the world," observed W.R. Wallace.

Many great men have noted the influence of their mothers. George Washington wrote that "All I am I owe to my mother." Abraham Lincoln said

that "I remember my mother's prayers and they have always followed me. They have clung to me all my life." Booker T. Washington said that "... If I have done anything in my life worth attention, I feel sure that I inherited the disposition from my mother." Andrew Jackson observed that "The memory of my mother and her teachings were, after all, the only capital I had to start life with, and on that capital I have made my way." Their mothers' hands surely influenced the world through their mothering.

Most mothers will tell you that childrearing does not end after their children are officially grown up, either. Mothers remain a constant in the lives of their offspring for years afterward, sometimes actively involved and sometimes waiting in the background in case they are needed. The strains of sustaining the military deployments in Iraq and Afghanistan have resulted in many more military families calling upon grandmothers and grandfathers to raise their grandchildren while their military parents are deployed overseas for long periods. Strong families and loving mothers make this possible, if not desirable.

Often mothers with children also find themselves taking up a new and



unnamed role as mother to their own mother as she ages. Single women, too, can become mothers in this way, picking up more and more of the care of their aging parents. The willingness and love with which children care for their parents is a direct reflection of how good a job their parents did raising them. The writer Charlotte Gray observed that "Children and mothers never truly part—bound in the beating of each other's heart." It is just that sometimes, the roles of mother and child, caretaker and care-receiver, reverse. And while it can be sad to see one's mother failing, the burden of her care is lightened by the warm memories of all the nights her hands tucked in the bedcovers or checked a forehead for fever, and by all the prayers her lips have uttered on her child's behalf.

Mr. President, I close with a poem by an unknown author, entitled "Mother's Love":

MOTHER'S LOVE

Her love is like an island  
In life's ocean, vast and wide  
A peaceful, quiet shelter  
From the wind, the rain, the tide.  
'Tis bound on the north by Hope,  
By Patience on the West,  
By tender Counsel on the South,  
And on the East by Rest.  
Above it like a beacon light  
Shine Faith, and Truth, and Prayer;  
And thro' the changing scenes of life  
I find a haven there.

CONGRATULATIONS TO LILY STEVENS, THE LAW SCHOOL GRADUATE

Mr. BYRD. Mr. President, last month, this Chamber celebrated a milestone day in the life of our dear colleague, Senator TED STEVENS. On April 13, the senior Senator from Alaska became the longest serving Republican Senator in history. This was an important day for him. It was an historic day for us.

But having served in this Chamber with Senator STEVENS for more than four decades, and knowing him as I do, I feel confident that, in a few days, he will be celebrating what to him will be an even more important day. This Saturday, May 12, his lovely, talented, and beloved daughter Lily will graduate from law school. She will receive her Juris Doctor degree from the University of California, Berkeley, School of Law.

I extend my heartiest congratulations to Lily, whom I know quite well. I remember her as an infant when her father carried her around the Capitol in a basket. I remember attending the birthday parties that her father gave her. I enjoyed watching her grow up. Now she is the graduate of one of our Nation's most prestigious law schools. And she is ready to embark upon what I am confident will be a rewarding, productive, and most successful career.

Knowing Lily as I do, I am sure that she will see her graduation, not as the end, but as just another step in her

educational endeavors. As Solon, one of the seven wise men of Greece, observed, "I grow old in the pursuit of learning." Although Lily is a young woman, I am confident that she will grow old "in pursuit of learning."

Today, I congratulate her and wish her the best as she completes an important milestone in her education and her life, and embarks upon the next endeavor.

And I also congratulate her father, Senator TED STEVENS.

ABUSIVE LITIGATION IN AMERICA

Mr. MCCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, many personal injury lawyers' insatiable appetites for a big payday by any theory imaginable are never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

Earlier this week, as part of an ongoing effort to bring much-needed reform to our civil-justice system, I reintroduced the Commonsense Consumption Act with Senators PRYOR, GRAHAM, BAUCUS, CORNYN, LINCOLN, ALEXANDER, DOLE, and BUNNING.

When I first introduced the Commonsense Consumption Act in July of 2003, the effort by some unscrupulous personal injury lawyers to target food manufacturers and sellers was only beginning to take shape.

In fact, I noted at that time an article in the satirical newspaper "The Onion." This newspaper had gotten a big laugh through a spoof article entitled "Hershey's Ordered to Pay Obese Americans \$135 Billion."

The article poked fun at the worst excesses of plaintiff's attorneys, describing a class-action suit that accused the candy company of "knowingly and willfully marketing rich, fatty candy bars, containing chocolate and other ingredients of negligible nutritional value."

That spoof was published in August of 2000. But almost 7 years later, farce has become reality.

Frivolous lawsuits against the food industry are moving forward on a number of different fronts and a growing cadre of academics, overzealous public health advocates, and of course, personal injury lawyers, are forthright about their intentions to make food manufacturers and sellers the victims of their next huge payday.

One of the more prominent members of the movement to sue the food industry is John Banzhaf, a personal injury attorney and a professor. Banzhaf appears often in the media to discuss strategies for suing food producers and sellers.

In one appearance, Banzhaf told an interviewer in regard to obesity lawsuits:

[Y]ou may not like it . . . but we'll find a judge. And then we'll find a jury.

During another interview, Banzhaf proclaimed:

. . . we're going to sue them and sue them and sue them, and I think ultimately, as with tobacco, we're going to win.

The comparison of this litigation to the tobacco suits is apt, because trial attorneys are eager to find another industry to bear the burden of inflating their bank accounts. As Banzhaf told National Public Radio:

. . . when we proposed that the states would sue for the cost of health care for lung cancer, heart attack and so on, people thought the lawyers bringing those suits were crazy. They called them crazy. Today, we call them something else. We call them multimillionaires, because, as you know, they won over \$250 billion.

Indeed, a great deal of time and energy is being invested into strategies to transfer huge sums from the food industry to overeating plaintiffs and, more to the point, their exceedingly active lawyers.

But these lawsuits are not only about money. They also represent attempts by a small group of lawyers and special-interest groups to subvert the legislative process and impose by litigation what they cannot achieve at the ballot box. In 1999, Robert Reich, former Secretary of Labor under President Bill Clinton, said that, "The era of big government may be over, but the era of regulation by litigation has just begun."

Last November, a group calling itself the Public Health Advocacy Institute held its fourth annual conference regarding obesity litigation.

This is the same Public Health Advocacy Institute whose 2004 Conference featured a memorable overhead projection display proclaiming "Patience, hell. Let's sue somebody." And these groups will sue, and they will sue, and they will sue, until they have imposed their special-interest policy preferences on the rest of America.

This kind of reckless litigation cannot be allowed to continue. A Gallup poll found that 89 percent of Americans oppose holding the food industry legally responsible for the diet-related health problems of people who choose to eat fast-food on a regular basis.

The economic repercussions of this sort of frivolous litigation are very real. In fact, the food industry is one of the most important engines for our Nation's economy. The food retail sector of the industry is America's largest private-sector employer, providing jobs and livelihoods for more than 12 million Americans. Estimates suggest that the food industry is responsible for 4 percent of the United States GDP.

Nor is this an industry dominated by a small number of large market participants. Numerous mom-and-pop grocery stores, family-owned and operated restaurants, specialty producers, and other small businesses will find themselves in the crosshairs of the personal injury lawyers trying to cash in on obesity-related lawsuits.

Wayne Reaves, an entrepreneur who operates seven quick-service restaurants in the Northern Alabama region, testified before the Senate Judiciary Subcommittee on Administrative

Oversight and the Courts on the dangers that obesity lawsuits pose for small businesses. Mr. Reaves gave compelling testimony about the catastrophic effects that such a lawsuit could have on him and his 196 employees. He then noted an even more insidious cost of obesity lawsuits:

But beyond the costs of defending a potential suit and the risks to my business that go along with it, there are other significant and detrimental effects. For instance, the mere threat of such a suit can have a direct impact on the cost of insuring my business. Insurance companies have acknowledged that they are watching these lawsuits very closely, and they recognize that this litigation is very much a factor in how they may price future liability products for food companies.

Mr. Reaves' testimony is especially important, because it highlights the fact that much more is at stake in the obesity lawsuit debate than the transfer of huge monetary sums from businesses to wealthy trial lawyers. If the mere threat of these lawsuits is not removed, then economic ripples will negatively impact every sector of the food industry. Even the ordinary consumer will feel this impact in the form of higher retail prices.

These lawsuits may even have the perverse effect of exacerbating the problems of overweight Americans. By trying to assign responsibility for overeating to food producers and sellers, the obesity lawsuit movement may be actively discouraging the kind of personal responsibility needed for Americans to develop healthier eating habits.

Let me be clear: This bill is not intended to minimize the problem of overeating. In fact, overweight Americans need to design healthier lifestyles for themselves and their children. America is blessed with an abundant, affordable food supply and an overwhelming number of food choices. With so many food choices, some of us overdo it.

That overindulgence, combined with an underindulgence of exercise, can have negative health consequences. But most of us take responsibility for the amount and the type of food we put in our mouth, and we accept the consequences of these decisions.

Unfortunately, some personal injury lawyers are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. This is precisely the wrong message to send to Americans who may be struggling with their weight.

Dr. Gerard J. Musante is an adjunct professor at Duke University and founder of Structure House, a well-known and highly respected residential weight loss center in Durham, North Carolina. Dr. Musante has testified before a Senate Judiciary subcommittee that he was concerned about the message sent to overweight Americans by litigation related to obesity.

Dr. Musante's viewpoint on this issue is worth our full attention. Specifically, he testified that:

Lawsuits are pointing fingers at the food industry in an attempt to curb the nation's

obesity epidemic. These lawsuits do nothing but enable consumers to feel powerless in a battle for maintaining one's own personal health. The truth is, we as consumers have control over the food choices we make, and we must issue our better judgment when making these decisions. Negative lifestyle choices cause obesity, not a trip to the fast food restaurant or a cookie high in trans fat. Certainly we live in a litigious society. Our understanding of psychological issues tells us that when people feel frustrated and powerless, they lash out and seek reasons for their perceived failure. They feel the victim and look for the deep pockets to pay. Unfortunately, this has become part of our culture, but the issue is far too comprehensive to lay blame on any single food marketer or manufacturer. These industries should not be demonized for providing goods and services demanded by our society.

Dr. Musante is absolutely right, and this bill is designed to ensure that an individual's eating habits do not become the province of our already overcrowded judicial system.

The bill is narrowly tailored to apply only to frivolous lawsuits seeking to shift responsibility for unhealthy lifestyle choices. It acknowledges that weight gain and its consequences have numerous interrelated causes, including genetic factors, physical activity, and other lifestyle choices unrelated to consumption of food manufactured or sold by a specific restaurant or corner store.

It is not intended to limit a plaintiff's ability to pursue legal action against food manufacturers or sellers who are found to be engaged in wrongdoing. In fact, let me be clear about what this bill will not do:

It would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate Federal or State statutes applicable to the manufacture or sale of food. This means that suits based on knowing misrepresentations regarding nutritional information or other statements would not be precluded by this bill.

It would not apply to lawsuits for breach of contract or express warranty.

It would not apply to claims relating to "adulterated" food or provide immunity to restaurants that improperly store, handle, or prepare food leading to an illness.

It would not apply to claims stemming from the use of dietary supplements.

In short, it will not provide widespread legal immunity for the food industry. It only provides protection from abusive lawsuits by people seeking to blame someone else for their poor eating habits.

I should mention that in the 109th Congress, the House voted on similar legislation. That bill, entitled the "Personal Responsibility in Food Consumption Act," passed the House on October 19, 2005, by the overwhelming margin of 306-120.

In our overly litigious society, this bill delivers an important message about personal responsibility. Americans have the freedom to make choices about the food they want to eat, and

those choices cannot be litigated away. Frivolous lawsuits are not a substitute for the considered judgment of legislatures and regulatory agencies about the best ways to encourage healthy lifestyles that include a proper diet and exercise.

I hope my colleagues will join me in taking an important step to preserve common sense in the judicial system.

## HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS KATIE SOENKSEN

Mr. GRASSLEY. Mr. President, it is with deep sadness that I announce to the Senate that one of Iowa's own, PFC Katie Soenksen of Davenport, has given her life in service to her country in Iraq. My thoughts and prayers are with her parents, Mary Ann and Ronald Soenksen, her brother and sister, and all her family and friends as they grieve her loss. Katie is one of many members of her extended family who have served their country in the military, and she felt a calling to military service. She even visited her former high school, Davenport North, to recruit for the Army. She joined the Army knowing full well what sacrifices she might be asked to make, but she believed in what she was doing and in her mission in Iraq. Katie kept in regular contact with her family and reported about the tremendous good she and her fellow soldiers were doing to make better the lives of everyday Iraqis. Certainly the Iraqi citizens whose lives she helped to improve, as well as all Americans, whose security she has helped ensure, owe her a tremendous debt of gratitude. Our Nation is truly blessed to have such citizens as Katie Soenksen who are prepared to make the ultimate sacrifice for our freedom, and I am proud to call her an Iowan. Words cannot adequately express the thanks owed to her and her family, who feel her loss so deeply. Her ashes will now rest alongside her fellow patriots at the National Cemetery on Arsenal Island, and her soul is no doubt in heaven.

## GENETIC TESTING

Mr. OBAMA. Mr. President, I wish to comment about an amendment that I offered to the bill, S. 1082, that the Senate passed on Wednesday.

Researchers and clinicians continue to make significant advancements in personalized medicine. The ability to diagnose, evaluate disease susceptibility, and provide medical treatment at an individual level is made possible by powerful tools such as genetic testing, an essential component of personalized medicine. Given the complex nature of genetic testing, I am pleased that my amendment, No. 1041, to the bill was accepted. This amendment provides for a study by the highly regarded Institute of Medicine, which will give independent, renowned, and respected experts in genetics,

genomics, and related fields the opportunity to provide their thoughtful recommendations on the best ways to further the promise of personalized medicine.

I thank the bill managers and their staffs for their assistance.

#### RISK OF GUNS ON COLLEGE CAMPUSES

Mr. LEVIN. Mr. President, in order to get a handle on today's gun violence among students, we must increase our awareness on the issue. Last week, the Brady Center to Prevent Gun Violence released a report that draws attention to the gun lobby's efforts over the past few years to change college campus rules that prohibit firearms. The report details the gun lobby's efforts in multiple States to pressure colleges to allow the possession and use of firearms by students and others on campus.

The report, "No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools," reveals a letter addressed to a Maine legislator from the National Rifle Association Institute for Legislative Action on April 2, 2007, emphatically opposing legislation to "allow any college or university to regulate the possession of firearms on the property of the college or university." It also describes the gun lobby's support for a law passed in Utah that expressly prohibits public school districts, public schools, and State institutions of higher education from keeping guns off campuses. Similar legislation was proposed in Virginia last year.

"Our schools should be sanctuaries, not armed camps," stated Paul Helmke, President of the Brady Center. "Institutions of higher education already have chosen policies either banning or tightly controlling guns on campus. That is as it should be. These institutions are responsible for the safety of their students and the security of their campuses and should continue to have the right to control firearms."

No Gun Left Behind also details some of the reasons bringing guns onto campus increases the danger to students and faculty alike. Every year approximately 1,100 college students commit suicide, with an additional 24,000 attempting suicide. Roughly 90 percent of those who attempt suicide with a firearm are successful. And, there is a significant danger of guns being stolen in the dorm setting.

As Congress considers sensible gun legislation, I urge my colleagues to read this important report.

#### MILITARY SPOUSE APPRECIATION DAY

Mr. HAGEL. Mr. President, I rise today to honor the men and women that serve our Nation as military spouses. I greatly admire the strength, courage, and commitment of these special individuals.

In 1984, President Ronald Reagan recognized the vital importance and personal sacrifice of the military spouse by declaring the Friday before Mother's Day as Military Spouse Appreciation Day. The impact that the military spouse has on the readiness and effectiveness of today's all-volunteer Armed Forces cannot be overstated.

However, military spouses are rarely thanked or recognized for the vital role that they play in maintaining our national security.

Today, more than 50 percent of our total force is married. Of the 1.12 million military spouses 92 percent are women, 78 percent are enlisted spouses, 57 percent are between the ages of 25-40 years, 73 percent have children, and 65 percent also work outside of the home.

The Armed Forces' current operational tempo has placed unique challenges and extraordinary strain on our military families. Months of waiting and late nights filled with worry about a forward deployed loved one can take a toll on the most steadfast and stout-hearted man or woman. Despite this intense strain, military spouses have remained committed and loyal to their servicemember and families. These men and women know the true meaning of sacrifice and devotion.

Today, America says thank you to our loving military spouses.

#### NATIONAL POLICE WEEK

Mr. DOMENICI. Mr. President, I rise today to commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many officers have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

In 1962, President John F. Kennedy first declared the annual celebration of Peace Officers Memorial Day and National Police Week in "recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws."

Sadly, since the turn of the last century, more than 126 law enforcement officers have been killed in the line of duty in New Mexico. This year, two New Mexico police officers will be honored and remembered by having their names added to the National Law Enforcement Officers Memorial in Washington, DC.

The first, Deputy James McGrane was tragically shot and killed on March 22, 2006 while making a traffic stop. Unknown at the time to Deputy McGrane, the driver of the vehicle Michael Paul Astorga was wanted for a 2005 murder. As he approached the vehicle, Deputy McGrane was cold bloodedly shot twice and died at the scene. A massive manhunt in New Mexico ensued. After the case was profiled on the television show *America's Most Wanted* Astorga was apprehended in Juarez, Mexico and expedited to the

United States. Deputy McGrane had served with the Bernalillo County Sheriff's Department for three years and had previously served with the New Mexico State Police and the U.S. Postal Inspection Service.

Also being honored this week is Patrolman James Archuleta of Espanola who was killed June 4, 2006, in an automobile accident. Patrolman Archuleta was responding to a shooting when the accident occurred. Patrolman Archuleta had served with the New Mexico State Police for 2 years and was also a member of the U.S. Marine Corps Reserves.

This week we remember the dedication of Deputy McGrane and Patrolman Archuleta and all of our fallen policemen and women who protect and serve our communities, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their life in the line of duty. To those who continue to serve, we are grateful. You have my utmost admiration.

#### VOTE EXPLANATION

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No. 151, the Cochran second-degree amendment No. 1010 to the Dorgan amendment No. 990.

Had I been present, I would have opposed the Cochran amendment. While I have supported the Cochran amendment in the past, the amendment this time seeks to amend a different and vastly strengthened Dorgan reimportation proposal. Senators DORGAN and SNOWE have acknowledged the safety concerns that have been raised in the past and have sought to address them. Specifically, their amendment establishes a framework for the registration and regulation of exporting pharmacies and wholesalers. It also directs the FDA to initiate a process to approve identical medications as FDA-approved products in the United States. The amendment also requires clear labeling and documentation of the drug from the point of origin to the point of sale. I believe these series of measures greatly improve the Dorgan amendment, reduce the risk of counterfeit products entering the domestic drug supply chain, and assure the safety of reimported drugs. The Dorgan-Snowe proposal also meets the second test set forth in the Cochran second degree amendment—cost savings. According to Congressional Budget Office, CBO, estimates, implementation of prescription drug importation provisions would lead to \$50 million in direct savings. However, the CBO also found that imposing the Cochran amendment would reduce those potential savings to zero.

The time has come for Congress to move forward with a thoughtful and responsible framework for drug reimportation. In a free market economy such as ours, it seems unfair that we have permitted a system that only allows the manufacturers to reimport drug products. It is essential that we find ways to reduce drug prices for Americans and one approach is by allowing drug reimportation. As such, we can and should, with the appropriate safeguards, allow a more open prescription drug reimportation regime to take hold in this country. The Dorgan-Snowe proposal offers a reasonable and responsible framework for such an endeavor to begin.

#### LEAVE OF ABSENCE

Mr. BROWN. Mr. President, I will be unable to be in Washington from Tuesday, May 15, to Wednesday, May 16, due to the graduation of my daughter from Columbia University in New York. I therefore ask that I be granted leave from the Senate under rule VI, paragraph 2.

#### WACHOVIA CHAMPIONSHIP

Mr. BURR. Mr. President, I rise today to recognize the fifth anniversary of the Wachovia Championship golf tournament and its contribution to charitable causes in North Carolina.

Several years ago, a group of North Carolinians gathered to begin the planning for this first-class event. Under their leadership, the Wachovia Championship has quickly risen to the top echelon of sporting events in the country. In only 5 short years, the Wachovia Championship has become known as one of the preeminent golf tournaments in the country—second only to the major championships.

The organizers desired to create a premier sporting event that would provide a first-class experience for patrons, PGA tour players, and volunteers that at the same time would have a significant economic impact for the Carolinas, showcase our State and region to a national and international television audience, and most importantly, raise significant funds for charitable causes in the State.

On all accounts, the Wachovia Championship has been a resounding success story. This year alone, the Wachovia Championship will have an economic impact of over \$45 million in the state of North Carolina.

The primary beneficiary of the success of the Wachovia Championship is Teach for America. Funds generated from the tournament are used to support the national efforts of this organization. Teach for America is the national corps of outstanding college graduates who commit 2 years to teach in low-income communities and become advocates for expanding educational opportunity. Since 1990 nearly 17,000 college graduates have joined Teach for America, impacting the lives of over 2.5 million students.

In North Carolina, Teach for America has over 250 corps members teaching in Charlotte, Durham and communities across the eastern half of the State.

Since the inception of the tournament, over \$4 million has been generated for Teach for America from the success of the Wachovia Championship in Charlotte.

As you can see, this is much more than just a golf tournament. The Wachovia Championship is a community and economic success story.

I congratulate the organizers and the thousands of volunteers that make the Wachovia Championship one of the special events that makes our state of North Carolina proud.

#### HONORING DEE SARTON

Mr. CRAIG. Mr. President, as you know, the month of May is Foster Care Month, when we take special note of the young people served by our Nation's foster care system, and the dedicated volunteers and professionals who work with and for them.

Today, I rise to pay tribute to a fellow Idahoan who is making a tremendously positive difference in the lives of foster children in our State.

Dee Sarton is a reporter at KTVB News Channel 7. Since November 1998, she has used her talent and experience to produce segments promoting the adoption of children out of the foster care system. On Wednesday nights, just before signing off the early evening news, she introduces sibling groups or older youth who are waiting for adoptive homes, and her compelling, sensitive interviews with these young people have touched the hearts of families across the Nation. She has introduced more than 500 children and has partnered with the Idaho Department of Health and Welfare in helping them find stability and love through adoption.

Dee brings energy, intuition, and a sincere concern for the future of each child to each production day. Although these young people have troubled histories and range from the gregarious to the shy, she manages to form an immediate bond with them. Her empathy and patience come from an abiding desire to help them achieve the normalcy they have described over and over in similar ways: "I just want to be treated like a regular kid."

For her outstanding work on behalf of Idaho's youth, I nominated Dee Sarton to receive the 2006 "Angel in Adoption" award presented by the Congressional Coalition on Adoption Institute, and I am very proud to share her story with my colleagues today.

#### RECOGNIZING RALEIGH TIAHRT

Mr. THUNE. Mr. President, today I rise to recognize Raleigh Tiahrt, an intern in my Washington, DC office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Raleigh is a graduate of Vermillion High School in Vermillion, SD. Currently he is attending the University of Minnesota where he is pursuing majors in mathematics and philosophy. He plans to finish his education at the University of South Dakota in Vermillion. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Raleigh for all of the fine work he has done and wish him continued success in the years to come.

#### RECOGNIZING SARA KOCH

Mr. THUNE. Mr. President, today I rise to recognize Sara Koch, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Sara is a graduate of Custer High School in Custer, SD. Currently she is attending South Dakota State University where she is pursuing majors in business and political science. She has also been active in Teenage Republicans and College Republicans. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Sara for all of the fine work she has done and wish her continued success in the years to come.

#### ADDITIONAL STATEMENTS

##### ARMY RESERVES

• Mr. BROWNBACK. Mr. President, today I wish to pay tribute to a special group of Americans—the members of Company B, 7th Battalion, 158th Aviation Regiment. The dedication and patriotism of this Army Reserve unit from Olathe, KS, truly makes all Kansans and Americans proud.

In October 2005, Pakistan suffered a severe disaster when a 7.6-magnitude earthquake devastated the country. This unit, known as the Spartans, was in the midst of training at Fort Sill, OK, to prepare for its deployment to Afghanistan when they received orders to assist in the humanitarian relief efforts. The unit immediately responded by disassembling their entire fleet of Chinook helicopters, flying to Afghanistan where they reassembled their aircraft, and then deploying to Islamabad to participate in relief efforts. All this was accomplished in a mere 4 days—a phenomenal feat. During the 5 months of this operation, the Spartans flew 2,633 missions where they delivered more than 18 million pounds of supplies, transported almost 7,000 refugees, and medically evacuated 311 casualties. This mission proved to be the longest and largest helicopter relief mission in the history of the United States.

Following their relief mission, the unit deployed to Afghanistan to provide heavy-lift support for combat operations at Kandahar Airfield in southern Afghanistan. During their 7-month

deployment, the unit contributed to three major offensive operations by transporting troops and supplies in some of the most difficult conditions for aviation operations.

In early October 2006, the unit returned to Pakistan for Operation Promise Keeping, a mission to commemorate the 1-year anniversary of the earthquake. The unit delivered more than 87 tons of steel sheets, cement, and construction materials to help with rebuilding efforts in Pakistan.

This weekend, at the Army Aviation Association of America's annual convention, the unit is being recognized as the Army Reserve Aviation Unit of the Year. The Pakistani people will forever remember the servant hearts of these military members. It is with an overwhelming sense of gratitude that I wish to recognize these fine service members and their families for their dedication to the cause of freedom and congratulate them on their much deserved award.●

#### RETIREMENT OF MARGARET SPRING

● Mr. INOUE. Mr. President, I wish to pay tribute to a member of my staff who retired from service to the Senate after dedicating 8 years to the Commerce, Science, and Transportation Committee. Margaret Spring, Democratic general counsel for the Commerce Committee, left the Senate for love. In doing so, she will be leaving behind a record of accomplishment that will be difficult for anyone to match. During her 8-year tenure on the committee, more than 10 major ocean and coastal initiatives, which she was heavily involved in drafting, have been enacted into law, including the National Sea Grant College Program Reauthorization, the Oceans and Human Health Act, Coast Guard Reauthorization Acts, the Harmful Algal Bloom and Hypoxia Amendments Act, the Tsunami Preparedness Act, and the Marine Debris Research, Prevention, and Reduction Act. Probably most notable are the first and last pieces of legislation Margaret worked on. The first was the Oceans Act of 2000, and the final bill was the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act.

What is clear from the passage of all these bills is both Margaret's ability to successfully negotiate and work in a bipartisan fashion, regardless of whether she was in the minority or the majority, and her unwavering commitment to making the world we live in a better place for today and for the future. Her trustworthiness and constant striving for perfection provided a process where every staffer who worked with her believed the final product was a true reflection of negotiations and discussions, and the outside parties that had an interest in the legislation, whether environmental or industry groups, while not necessarily agreeing

completely with the ultimate outcome, felt like their voices were heard. The best example of her abilities is the Magnuson-Stevens Act, which passed by unanimous consent with support from the fishing industry and environmental groups, a rarity in this day.

A hallmark of Margaret's legacy will be a cleaner and healthier environment for generations to come. The Oceans Act, which passed in 2000, created the Ocean Commission, consisting of this country's leading ocean experts. Without the legislation enacted through her efforts, Congress and the administration would be without a landmark blueprint. Margaret's work, in combination with efforts of other dedicated members and staff, has given us guideposts for what we must do to sustain the ocean environment for future generations.

While Margaret has left the Senate, she has not left her call to public service, to preserving the coastal environment, or to improving the planet for the next generation. While she and her new husband have decided to move to the West coast, she also decided to continue her passionate interest in the marine environment with a nonprofit organization whose mission is to preserve environmental diversity through the protection of lands and waters. The Commerce Committee, the Senate, and this country have benefited from Margaret's dedication during the past 8 years, and while she will be missed, the country will continue to benefit from her commitment, dedication, and tireless efforts to improve the world we live in.

On the eve of Margaret Spring's wedding to Mark Bunter, we wish her well as she embarks on a new chapter of her life.●

#### TRIBUTE TO GREG STEVENS

● Mr. VOINOVICH. Mr. President, today I pay tribute to the late Gregory Clark Stevens—an incredible political strategist, loyal Republican, wonderful husband and father and a terrific friend to me and my wife Janet.

Last month, our Lord took Greg from us after 58 years on Earth. Greg's last days weren't easy on him or his family as he suffered from brain cancer. But he was able to find an inner peace that I know helped him in his final days.

Looking back, Greg had a full and accomplished career—a career that led to many people, including myself, getting elected and doing immense good for our Nation.

After graduating from the University of Maine in 1971, he spent half a decade as a reporter in New Jersey, and was then hired as President Gerald Ford's reelection campaign press secretary. He was hired by former New Jersey assemblyman turned campaign manager for Ford, Thomas Kean. Kean later returned to New Jersey and, after a defeat running for the same office, he was later elected Governor and hired Greg to be his communications director.

When Kean was reelected in 1981 he made Greg his chief of staff.

A fellow Ohioan, Roger Ailes, hired Greg in 1988 to work on Vice President George H.W. Bush's campaign for the Presidency. Then, 2 years later, Greg ran my successful campaign to be Governor of the great State of Ohio.

A few years later Greg opened his own consulting business in the Washington suburbs and had many clients. I remained one of them, with Greg running my multimedia campaign in 1994 for my second term as Governor, then in 1998 and 2004 for my current Senate seat. He did a marvelous job and we became good friends. And it meant a great deal to Janet and me that we had someone working with us who cared so much about us personally. We always said hiring Greg was the best decision we ever made.

But it was his genuine caring for me and my family that translated into his incredible television ads that helped get and keep me elected. Greg always "got us," we used to say, and got our values. And he communicated those values through his commercials in a way that no one else could.

Over the years Greg has worked for many famous people and been involved in numerous historic and epic political battles. But that is not how I really remember him. I remember Greg as a fine man and good friend.

As time goes on and we get older, and our families seem to grow and grow, our free time seems to shrink more and more. So there wasn't a lot of time for me to make it up to Maine to see my friend Greg. But I did take the time to send him a letter right before he passed.

In that letter I reminded him of the good work he did on behalf of me and the Nation, and about how I cherished our friendship and fighting the good fight together, but also about how worried I am about our kids and grandkids and what kind of opportunities they will have in the future. I told him I would love to talk to him about these things again soon but, unfortunately, time ran out.

Greg Stevens meant a lot to a lot of people. And he did so much good while he was with us here on Earth.

A minister's son, I know Greg found comfort knowing this life was not all there was. I concluded my letter to Greg with this: "I'm sure you are comforted by the thought that you will be with our Father, eternally happy, and that one day we all will be together again."

I look forward to seeing my good friend Greg once again.●

#### HONORING DEL GREENFIELD

● Mr. WYDEN. Mr. President, those of us entrusted to represent our States in the Senate are so unbelievably fortunate thanks to the wonderful people we meet and work with along the way. These encounters remind us on a regular basis of the inherent goodness of

so many folks, and of their dedication to making our communities, our Nation and our world a better place in which to live and raise families. Today I pay tribute to one such person—a very special person—I was blessed to have met along the way.

Del Greenfield, who passed away just last month, was an extraordinary wife, mother, and citizen whose uncommon commitment to humankind and peace touched thousands of people and enriched our world in ways that will ripple across generations for as long as we humans will inhabit this Earth.

I met Del and her husband, Lou, long ago when I was running the Grey Panthers in Oregon. She was a well-known political activist and worked for some outstanding public servants, including Governor Bob Straub and my former colleague, Congressman Les AuCoin. In the early eighties, Del began to lead the Portland chapter of Physicians for Social Responsibility, and it was there that she made a profound and unforgettable impression on so many government leaders who played a role in deciding matters of war and peace, equality and inequality, justice and injustice.

She was well known to those of us in public office for several reasons. We all came to respect her tremendous command of grassroots politics. She harbored an unflinching belief in the power of people to effect change, and she was quite skillful at organizing her troops and using the strength of the many to overcome the sometimes unnatural advantages of the most fortunate few.

She was also unforgettable because of her unyielding, boundless passion for her beliefs and her mission. Del was full of praise for us when she approved of what we were up to—and thankfully, that was most of the time with me—but she never, ever gave up when we took an action she disagreed with. Even when that disagreement had long passed, Del continued to view those disappointments as potential teachable moments, as opportunities for our growth. On those occasions, Del could chew on you pretty good, but if she liked you, she always did it with a smile on her lips and a twinkle in her eyes. She frequently forgave, but she never forgot.

And, importantly, and this was perhaps the root of her high standing with all of us, there was never any doubt about Del's motives. If she possessed any ego, I never encountered it. The one thing I always knew about Del, even on those rare occasions where we disagreed, was that it was never about her. She was inherently decent and kind and involved in all of her causes for all the right reasons.

I am so proud to have had Del and Lou as two of my earliest supporters and am so honored to have had the opportunity to work with and learn from such a wonderful, powerful woman. She and Lou leave to us all a legacy of hope and goodness that will be carried on for

generations to come by her wonderful children, their grandchildren, their great grandchildren, and the thousands of others who have been touched by their loving, good works.

Because I know she is still watching me closely, and because I know she could care less about how many nice things I have to say about her, Del, I will think of you every opportunity I get to end this misguided war in Iraq. And I will think of you every time I have an opportunity to bring about lasting peace, justice, and equality. Your lessons and love will never be forgotten.●

#### MESSAGE FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1684. An act to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

H.R. 1873. An act to reauthorize the program and activities of the Small Business Administration relating to procurement, and for other purposes.

#### MEASURES REFERRED

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

H.R. 1684. An act to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1873. An act to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1368. A bill to amend the Denali Commission Act of 1998 to modify the authority of the Commission; to the Committee on Environment and Public Works.

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

S. 1369. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY):

S. 1370. A bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies; to the Committee on Finance.

By Mr. PRYOR:

S. 1371. A bill to establish a program to award innovation prizes to individuals and

entities for researching and developing innovative technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 1372. A bill to provide for a Center for Nanotechnology Research and Engineering; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 1373. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 1374. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Ms. SNOWE, Mr. BROWN, Mr. DODD, and Mr. LAUTENBERG):

S. 1375. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KENNEDY (for himself and Mr. SMITH):

S. Res. 194. A resolution commemorating the 40th anniversary of the landmark case *In re Gault*, et. al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them; considered and agreed to.

By Mr. SMITH (for himself and Mr. WYDEN):

S. Res. 195. A resolution commending the Oregon State University College of Forestry on the occasion of its centennial; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 329

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

S. 430

At the request of Mr. BOND, the name of the Senator from Vermont (Mr. SANDERS) 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.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from



Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. VITTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 700

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 727

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 773

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

S. 839

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 839, a bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects.

S. 919

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 919, a bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1019

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1047

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1047, a bill to amend the Internal Revenue Code of 1986 to exclude

from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1173, a bill to protect, consistent with *Roe v. Wade*, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1175

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

S. 1204

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA), the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for



ground ambulance services under the Medicare program.

S. 1323

At the request of Mr. McCONNELL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1334

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. RES. 192

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 192, a resolution recognizing National Nurses Week on May 6 through May 12, 2007.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1368. A bill to amend the Denali Commission Act of 1998 to modify the authority of the Commission; to the Committee on Environment and Public Works.

Mr. STEVENS. Mr. President, I have come to the floor to introduce S. 1368, a bill to reauthorize a Federal-State partnership known as the Denali Commission. This Commission plays a crucial role in the development of basic infrastructure for communities in rural Alaska.

The Denali Commission was originally established by Congress in 1998. The unique structure of the Commission ensures the most efficient allocation of Federal funds, as it caps administrative expenses at 5 percent and capitalizes on the use of strategic partnerships. Over the course of the past decade, the Commission has partnered with Federal and State agencies, tribal organizations, and local communities to address the unique challenges asso-

ciated with living in Alaska. In just a short period of time, the Commission has improved the living conditions of rural Alaska by providing job training, teacher housing and funds to improve options for handling solid waste. The bulk fuel projects undertaken by the Commission have reduced the costs of rural energy. The health clinics have increased the availability of health services to rural villages that are isolated from metropolitan areas. There are 240 Alaska Native Villages, and over 100 communities have been served by the Denali Commission.

Although the Denali Commission has made tremendous strides to ensure rural Alaska has basic living conditions, there still is work to be done. Many of the rural communities have no roads and their transportation infrastructure is deteriorating. Numerous villages can only be accessed by water, and the docks in the communities are in desperate need of repair. The projects conducted by the Denali Commission not only keep communities connected to mainstream Alaska, projects also foster economic growth. The unemployment rates in many villages remain above 50 percent. The high cost of basic needs, such as milk and oil, coupled with public infrastructure that is comparable to developing nations create difficult circumstance in rural Alaska. The Denali Commission is our best hope for properly addressing these issues and meeting the needs of Alaskans.

The continuation of the Denali Commission's presence in rural Alaska is of critical importance to the future of rural Alaska. The bill I introduce today would reauthorize the Denali Commission for 5 years, through fiscal year 2014.

Other provisions of this bill would also amend the Denali Commission Act of 1998 to make the Commission stronger and more efficient.

Senator MURKOWSKI is an original cosponsor of this legislation, and it is our hope the Senate will act quickly to reauthorize the Denali Commission.

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

S. 1369. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce legislation that would provide immunity to individuals who report suspicious activities that may reflect terrorist threats to our transportation system. I am very honored that Senators KYL and LIEBERMAN have joined me in introducing this important bill.

The recent arrest in New Jersey of six men charged with conspiring to murder American soldiers at Fort Dix underscores the need for this bill. Law

enforcement officials have noted that their investigation was triggered by the report of an alert store clerk who said a customer had brought in a video that showed men firing weapons and shouting in Arabic. This reminded the store clerk of the 9/11 terrorists.

But for the report of this store clerk, it is unlikely this potential plot against Fort Dix—a plot that if executed would have caused the loss of lives—would have been uncovered. That store clerk's action may have saved literally hundreds of lives and represents a core truth of the dangerous times in which we live. Our safety depends on more than just police officers, intelligence analysts, and soldiers. It also depends on the alertness and civil responsibility of ordinary American citizens, including the peaceful and tolerant people who form the vast majority of America's Muslim communities.

We must encourage average citizens to be watchful and report behavior that appears to be suspicious or threatening. That imperative is especially strong in the area of mass transportation, where there is the potential for mass casualties, where vehicles and aircraft can be used as weapons, and where there is often only a brief period of time for assessing and reacting to alarming behavior. That is why the slogan "See something, say something," is used in the New York subway.

Unfortunately, we have seen that plaintiffs can misuse our legal system to chill the willingness of average citizens to come forward and report possible dangers. As was widely reported last fall, six Islamic clerics were removed from a USAirways flight after other passengers expressed concerns that some of the clerics had moved out of their assigned seats and had requested, but apparently were not using, seatbelt extenders that could possibly double as weapons.

As a result of that incident, what happened? Well, the USAirways officials decided to remove these individuals from the plane so they could further investigate. What happened to the individuals who courageously came forward and reported this suspicious behavior? Unbelievably, they were sued for voicing their fears that the clerics could be rehearsing or preparing to execute a hijacking. These honestly concerned passengers found themselves as defendants in lawsuits that were filed in March.

The existence of this lawsuit clearly illustrates how unfair it is to allow private citizens to possibly be intimidated into silence by the threat of litigation. Would that alert clerk in the store have come forward if he thought there was a chance he was going to be sued? Would the passengers have spoken up if they had anticipated there would be a lawsuit filed against them? Even if such suits fail, they can expose citizens to heavy costs in time and legal fees.

Our bill would provide civil immunity in American courts for citizens

acting in good faith who report threats to our transportation systems.

The bill would encourage people to pass on information to appropriate transportation system officials and employees, to law enforcement or transportation security officials, or to the Departments of Homeland Security, Justice, or Transportation, without fear of being sued just for doing their civic duty.

Only disclosures made to those responsible officials and employees would be protected by the legislation's grant of immunity. Once a report is received, those officials would be responsible for assessing its reasonableness and determining whether further action is required. If these officials take reasonable action to mitigate the reported threat, they, too, would be protected from lawsuits. Just as we should not discourage reporting suspicious incidents, we also should not discourage reasonable responses to them.

Let me make very clear this bill does not offer any protection whatsoever if an individual makes a statement that he or she knows to be false. No one will be able to use this bill, should it become law, as I hope it will, as a cover for mischievous, vengeful, or biased falsehoods.

Our laws and legal system must not be hijacked to intimidate people into silence or to prevent our officials from responding to terrorist threats. Protecting citizens who make good-faith reports—and that is an important qualification in this bill—protecting citizens who make good-faith reports of potentially lethal activities is essential to maintaining our homeland security.

Our bill offers protection in a measured way, that discourages abuses from either side. I urge my colleagues to support it.

Senator LIEBERMAN and I have been holding a series of hearings, starting last year, in the Homeland Security Committee, to look at the threat of home-grown terrorists, domestic radicalization. We have learned a lot in the past 6 months. What we have learned has only strengthened my determination to push ahead with this bill.

The fact is, each of us has an important responsibility. The fight against domestic terrorism—or, indeed, any kind of terrorism—requires the active involvement of the citizenry of this country. It is not a fight that can be left simply to law enforcement. We simply could never have a sufficient number of law enforcement or intelligence officials to take care of every threat. Indeed, the foiled threat at Fort Dix shows us how important citizen involvement is.

I think this is a reasonable bill. It requires this immunity would be granted only for reports made in good faith. This would help encourage passengers on airlines and on trains to report suspicious activities. I think that is a necessary protection in this day and age.

By Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY):

S. 1370. A bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation that I believe is an important component of comprehensive energy policy. In order to transition away from an overreliance on fossil fuels, we must promote investments in clean energy generation using renewable resources and reduce the growth in demand for energy by stressing efficiency.

I think every Member of the Senate recognizes that while there is no single technological silver bullet for our energy problems, there are many emerging technologies that if adopted and deployed could go a long way in meeting our vexing energy security and climate challenges.

We also know that Government can play a key role setting technology standards and clean energy goals, but shifting our Nation's and the world's energy system to clean energy alternatives will take substantial private sector investment. Here, too, the Government can play a key role by enabling the market conditions that will take the technology from the laboratory and turn it into fully operational energy producing facilities.

A number of reports have suggested that private investment in energy technologies is on the rise. While estimates vary widely, New Energy Finance has reported that 1,246 private equity funds put more than \$70 billion into clean energy technologies in 2006—a 43-percent increase relative to 2005. Similarly, a survey conducted late last year by the National Venture Capital Association found that more than 90 percent of respondents expect to increase investment in the energy sector in 2007.

This is a unique time. There is growing consensus that our Nation's energy demands need to be better and more smartly managed and, more importantly, consensus that those growing energy demands should be met using clean, renewable energy resources.

The Clean Energy Investment Assurance Act of 2007, which I introduce along with my colleagues, Senators GORDON SMITH and JOHN KERRY, responds to the clear message that was delivered to both the Senate Energy and Senate Finance Committees by businesses that are on the cutting edge in this area. What we heard from the renewable energy community and the investment community is that what they need most is some certainty in the Tax Code.

This type of Federal assistance will support the needed long-term investments that ultimately will drive down the costs of electricity from renewable sources. Once the market for these new technologies is up and running, such facilities will be economically self-sustaining and profitable.

Our legislation adheres to the following principles:

Certainty. We put the existing tax incentives in place long enough to drive investment dollars so these new technologies can be commercialized. The core of this bill is a 5-year extension and modification of the production tax credit. This tax credit is designed to help businesses and utilities diversify their sources of energy and promote energy production using biomass, wind power, hydropower, geothermal power, and other clean, renewable resources. In addition, we extend for 8 years the investment tax credit that is so important in encouraging the large upfront outlay of capital that is required for solar and fuel cell power plants.

Technological neutrality. This bill levels the playing field by providing an incentive to both thermal energy production and electricity production that use renewable resources. It also modifies the tax credits to increase the incentive effect for all renewable technologies that can produce energy with zero carbon emissions.

Parity between investor-owned utilities and consumer-owned public power utilities. The bill provides a powerful, complementary incentive through the Clean Renewable Energy Bond Program so that public power and consumer-owned utilities that cannot benefit from tax credits are not financially disadvantaged when they invest in renewable facilities. Public power utilities are required to meet State renewable portfolio standards in the same way as investor-owned utilities, and Government should provide comparable financial incentives so that ultimately the cost of electricity can be reduced for all customers.

Importance of efficiency. This bill includes provisions that better utilize the incentives in the Tax Code to promote energy efficiency in manufacturing, construction of "green buildings," and more efficient homes. These tax incentives help defray the additional costs associated with using new energy-efficient technologies, systems, and materials to construct and retrofit factories, commercial buildings, and houses in order to reduce energy demand. I know Senator SNOWE has done a great deal of work in this area, and I look forward to working with her on these important provisions.

Another key component in this regard is an inducement for customers and utilities to upgrade to "smart meters." A "smart meter" is a device with an electronic circuit board containing computer chips and a digital communications device. It allows a customer to interact with a utility in real time. This interaction allows the utility to better forecast and manage energy load and the customer can manage his energy use to lower the cost.

The electromechanical meter, the device that measures energy use with the little wheels turning inside it that is hooked up to almost every home and business in America, is almost the

same as when it was invented in the 1930s, when FDR was President.

Inefficient use of energy forces utilities to invest millions in building plants that operate only when energy demand peaks. As a result, the power these plants generate costs far more than power from other sources. This means more expensive power when demand is high.

Our bill would allow a faster recovery period for the costs of installing these new “smart meters,” which will make it easier for consumers to reduce energy use during these peak periods and shift their energy use to low-demand, low-cost times of the day.

We know that we don’t have an unlimited pool of Federal resources, and I believe strongly that the Finance Committee should redirect subsidies that historically have propped up the oil and gas industry to now support this new direction in energy policy.

Our tax policy here should be driven by our energy policy goals. We cannot make a long-term difference with start-and-stop tax policy. But we must be mindful that after a reasonable period all tax incentives should be reexamined to see whether we have gotten the results we anticipated and whether the marketplace is ready to function on its own.

We should focus tax incentives where they will have the greatest impact in helping meet those goals. While this bill seeks to address renewable power and efficiency, I plan to continue working on legislation to effectively align the other incentives in the Tax Code that are designed to promote alternative fuels and vehicles.

We all witnessed how innovation in information technologies served as a forceful driver of productivity and economic growth in the recent past.

Energy technology innovations now have similar potential to fuel a new wave of economic growth and job creation.

I would like to note that this bill has already received the support of the following organizations: American Forest Resource Council; American Public Power Association; Biomass Investment Group; Energy Northwest; Large Public Power Council; Northwest Public Power Association; Southern California Public Power Authority; Solar Energy Industries Association; USA Biomass Power Producers Alliance; Chelan County PUD, Snohomish County PUD, Tacoma Power, and Seattle City Light; Washington Public Utility Districts Association; Simpson Investment Company, Tacoma; National Hydropower Association; Seattle Steam; and TechNet.

We have a tremendous opportunity in this Congress to set a new course in energy, environmental, and economic policy for the 21st century, and I hope we aggressively move forward and meet this challenge.

I ask unanimous consent that a section-by-section summary of the Clean Energy Investment Assurance Act of 2007 be printed in the RECORD.

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

THE CLEAN ENERGY INVESTMENT ASSURANCE  
ACT OF 2007

A bill to provide reliable Federal tax incentives to help ensure more private sector led investment an innovation in clean energy technologies.

SECTION-BY-SECTION SUMMARY

*Sec. 1 Short Title.*

*Sec. 2. Expansion and modification of renewable electricity production credit (IRC Section 45).*

Under current law, a qualified facility must be placed in service by December 31, 2008, in order to claim a tax credit for electricity that is produced. The bill extends the placed in service date until December 31, 2013, in order to provide an adequate incentive to have more facilities placed in service. Investors willing to bear the risks of new energy technologies should not be subject to the economic risks of start-and-stop tax policy.

The tax credit would be expanded to allow a credit for either the production of thermal energy—heat, in the form hot water or steam, or cooling in the form of chilled water, ice or other media—or the production of electricity. This would provide an incentive to invest in facilities that use renewable energy sources to create useful and valuable thermal energy, without generating electricity. Such district energy facilities can provide significant efficiency gains for heating and cooling buildings, displacing peak electricity demands on the local grid and enhancing fuel flexibility.

All qualifying facilities would be eligible to receive the full rate of credit, as adjusted for inflation. Current law reduces the credit by half for open-loop biomass, small irrigation power, landfill gas, trash combustion, and hydropower facilities.

New and existing facilities would be able to claim the credit for a period of 10 years, beginning on the date the facility is placed in service.

The goal of the credit is to encourage deployment of facilities that can produce energy from renewable sources. In order to enable new and emerging technologies to benefit from the credit, the bill grants authority to the Treasury Department to allow a facility placed in service before January 1, 2014, to qualify for the Section 45 credit even though it produces thermal energy or electricity using a renewable resource that is not enumerated in Section 45 provided that the facility produces energy with zero carbon emissions. The determination of whether a facility meets the zero carbon emissions requirement would be made in consultation with the Energy Department. New and emerging technologies that achieve the underlying goal of the incentive will not be disadvantaged by having to come through the lengthy legislative process in order to qualify.

The bill attempts to clarify existing Treasury guidance in order to facilitate electricity purchased by a co-located host facility (e.g. lumber mill) even in the case that both facilities are owned by the same taxpayer. Treasury/IRS Notice 2006-88 includes the concept of “simultaneous sale and purchase” that is being viewed as an impediment for some open-loop biomass facilities to claim the section 45 credit. This broad concept appears to require netting of electricity sold to, and purchased from, unrelated parties in order for a facility to qualify. Our proposal seeks to reverse the effect of this netting rule to allow qualified bio-

mass facilities to obtain the PTC for gross electricity sold to the grid without any requirement to “net” electricity sold to and purchased from an unrelated party.

The bill modifies the definition of closed-loop biomass in Section 45(c)(2) to indicate that power producers that use part or the dedicated crop to produce some other type of renewable energy, for example: ethanol, etc., in addition to making electricity, are not disqualified from obtaining the closed-loop tax biomass tax credit for the electricity. Under current law, if any part of the dedicated energy material is used for any purpose other than producing electricity, the electricity produced is not eligible for the closed loop credit. Advances in energy science have led scientists and investors toward the creation of “energy plantations” that grow a dedicated crop for electricity production that also can provide a source of cellulosic ethanol. The bill would remove a disincentive to bringing such multiuse green facilities online.

Under current law, for only closed-loop biomass facilities modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass, there is no reduction in credit by reason of grants, tax-exempt bonds, subsidized energy financing, and other credits while there is a reduction in the credit of up to 50 percent for other qualified facilities in cases where a facility benefited from grants, used proceeds from tax-exempt bonds, or was subsidized under a Federal, State or local program. Our proposal would equalize the treatment of all types of facilities by repealing this limitation in current law Section 45B(3). This will encourage States and localities to partner with private industry as part of a multi-faceted energy and environmental strategy.

Clarifies the statute to reflect additional work that may be needed to retrofit potential non-hydropower dams and make a technical correction related to incremental hydropower.

*Sec. 3. Extension and expansion of credit to holders of clean renewable energy bonds (IRC Sec. 54).*

Under current law, the full financial incentives provided under the tax credits are not available to certain entities such as consumer-owned utilities, yet these utilities also need to increase their investments in renewable energy sources to meet their growing demands. The Clean Renewable Energy Bond, CREB, program, enacted as part of the Energy Policy Act of 2005, was crafted to provide a comparable financial incentive for consumer-owned utilities to invest in new renewable electricity generation facilities. CREBs provide public power systems with interest free borrowing for qualified projects. State and local governments, U.S. territories and possessions, the District of Columbia, Indian tribal governments, CoBank, the National Rural Utilities Cooperative Finance Corporation, mutual or cooperative electric companies described in Internal Revenue Code Section 501 (c)(12) or 1381 (a)(2)(c), and a not-for-profit electric utility that has received a loan or loan guarantee under the Rural Electrification Act are all eligible to issue CREBs. Unfortunately, the 2-year authorization, the cumulative volume limit, and the smallest-to-largest project allocation of this limited authority have made it difficult for these bonds to be an effective large-scale investment incentive. Our proposal would extend the program to December 31, 2013 and convert the cumulative volume cap into an annual cap. Thus, the limitation in bonds issued would be \$5 billion in each calendar year. It is intended that the higher volume cap will encourage broader allocation of the bonds to large-scale projects.

*Sec. 4. Extension and modification of residential energy efficient property credit (Section 25D)*

The bill extends until 2017 a 30 percent investment tax credit for the purchase of residential solar water heating and fuel cell property. In addition, the solar credit would be based on system power rather than cost and would provide \$1,500 for each half-kilowatt of capacity for solar PV equipment and \$1,000 for each kilowatt of capacity for fuel cells. Credits would be permitted against the alternative minimum tax to expand the incentive effect of the tax credit.

The bill allows the same credit for purchases of "qualified energy storage air conditioner property," which increases the value of intermittent energy sources, such as wind and solar, by creating, storing, and supplying cooling energy.

*Sec. 5. Extension and modification of energy credit (Section 48).*

The bill extends until 2017 a 30 percent business credit, for the purchase of fuel cell power plants, solar energy property, and fiber optic property used to illuminate the inside of a structure. The bill changes the maximum credit to \$1,500 for each half-kilowatt of capacity for solar PV equipment and eliminates the cap on fuel cell power plant property. The bill allows credits to be taken against the alternative minimum tax.

The bill also allows the credit for purchases of "qualified energy storage air conditioner property," which increases the value of intermittent energy sources, such as wind and solar, by creating, storing, and supplying cooling energy.

*Sec. 6. Extension and modification of nonbusiness energy property credit (Section 25C).*

The bill extends would extend through 2012 the 10 percent investment tax credit for expenditures with respect to building envelopes using qualified energy efficient property, including qualified advanced main air circulating fans, natural gas, propane, oil furnaces or hot water boilers. The bill also would expand the deduction by removing the lifetime limit and modifies the law so that the incentives are based on performance rather than cost.

*Sec. 7. Extension of new energy efficient home credit (Section 45L).*

Our proposal would extend through the end of 2012 the tax credit to eligible contractors for the construction of qualified new energy-efficient homes.

*Sec. 8. Extension and modification of energy efficient commercial buildings deduction (Section 179D).*

Our proposal would extend through 2013 the deduction for investments in commercial buildings that reduce annual energy and power consumption. The bill also increases the amount of the deduction to \$2.25 per square foot, and modifies the measurement of energy savings under the law.

*Sec. 9. Five-year applicable recovery period for depreciation of qualified energy management devices (Section 168(e)).*

The bill would treat qualified "smart meters" as qualified technological property eligible for 5 year cost recovery; This will ease the financial burdens that are hampering the deployment of this energy efficient technology and reflect the more appropriate tax treatment of this next generation meter technology. Under current law, smart meters are treated the same ways as electromagnetic meters with a 20 year cost recovery period. This has been a serious disincentive for taxpayers to upgrade their meters and realize the energy savings that will result.

By Mr. CASEY:

S. 1374. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to offer my Prepare All Kids Act of 2007, a bill that represents one of my highest priorities, high quality prekindergarten education for all children, and particularly those from low income families for whom the cost of prekindergarten may be prohibitive. Investing in high quality early childhood development programs should be a national priority for our country. I look forward to speaking at length on the floor early next week about what my bill will accomplish for children and working families. 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. 1374

*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 "Prepare All Kids Act of 2007".

**SEC. 2. HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS.**

Chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 357) is amended by inserting after subchapter C the following:

**"Subchapter D—High Quality Full-Day Prekindergarten Programs**

**"SEC. 661. FINDINGS AND PURPOSE.**

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

"(1) Investments in children and early education should be a national priority.

"(2) The cost of high quality preschool is prohibitive for poor families and is a significant financial strain for many working- and middle-class families.

"(3) State-funded preschool is the most rapidly expanding segment of the United States educational system, but in many States a lack of stable funding poses an enormous threat to the provision or continuation of high quality preschool.

"(4) The provision of high quality prekindergarten is a cost-effective investment for children and for the Nation. Research shows that for every \$1 invested in high quality early childhood programs, taxpayers save more than \$17 in crime, welfare, education, and other costs.

"(5) Fewer than half the Nation's poor preschool-age children attend preschool. The result is a significant preparation gap between poor and middle-class children and between minority and white children.

"(6) High quality early education increases academic success for schoolchildren who received that education by—

"(A) increasing high school graduation rates;

"(B) improving children's performance on standardized tests;

"(C) reducing grade repetition; and

"(D) reducing the number of children placed in special education.

"(7) High quality early education promotes responsible behavior by teens and adults who received that education by—

"(A) reducing crime, delinquency, and unhealthy behaviors such as smoking and drug use;

"(B) lowering rates of teen pregnancy;

"(C) leading to greater employment and higher wages for adults; and

"(D) contributing to more stable families.

"(b) PURPOSE.—The purpose of this Act is to assist States in—

"(1) making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; and

"(2) making the prekindergarten programs available to a target population of children from families with incomes at or below 200 percent of the poverty line, for whom the prekindergarten programs will be free of charge.

**"SEC. 662. DEFINITIONS.**

"(a) In this Act:

"(1) FULL-DAY.—The term 'full-day', used with respect to a program, means a program with a minimum of a 6-hour schedule per day.

"(2) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by that section.

"(3) PREKINDERGARTEN.—The term 'pre-kindergarten' means a program that—

"(A) serves children who are ages 3 through 5;

"(B) supports children's cognitive, social, emotional, and physical development and approaches to learning; and

"(C) helps prepare children for a successful transition to kindergarten.

"(4) PREKINDERGARTEN TEACHER.—The term 'prekindergarten teacher' means an individual who

"(A) has a bachelor of arts degree with a specialization in early childhood education or early childhood development; or

"(B) during the 6-year period following the first date on which the individual is employed as such a teacher under this Act, is working toward that degree.

"(5) QUALIFIED PREKINDERGARTEN PROVIDER.—The term 'qualified prekindergarten provider' includes a provider of a prekindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that—

"(A) is in existence on the date of the qualification determination; and

"(B) has met applicable requirements under State or local law that are designed to protect the health and safety of children and that are applicable to child care providers.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

**"SEC. 663. PROGRAM AUTHORIZATION.**

"(a) PREKINDERGARTEN INCENTIVE FUND.—The Secretary, in collaboration and consultation with the Secretary of Education, shall create a Prekindergarten Incentive Fund, to be administered by the Secretary of Health and Human Services.

"(b) GRANTS.—In administering the Fund, the Secretary shall award grants to eligible States, to pay for the Federal share of the cost of awarding subgrants to qualified prekindergarten providers to establish, expand, or enhance voluntary high quality full-day prekindergarten programs.

**"SEC. 664. STATE APPLICATIONS AND REQUIREMENTS.**

"(a) DESIGNATED STATE AGENCY.—To be eligible to receive a grant under this Act, a State shall designate a State agency to administer the State program of assistance for prekindergarten programs funded through the grant, including receiving and administering funds and monitoring the programs.

“(b) STATE APPLICATION.—In order for a State to be eligible to receive a grant under this Act, the designated State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) an assurance that, for prekindergarten programs funded through the grant, the State will ensure that the qualified prekindergarten providers target children from families with incomes at or below 200 percent of the poverty line, and provide prekindergarten programs to children from those families free of charge;

“(2) an assurance that the State will award subgrants for prekindergarten programs that are sufficient to provide a high quality prekindergarten experience;

“(3) an assurance that not less than 25 percent of the qualified prekindergarten providers receiving such subgrants will be providers of community-based programs;

“(4) a description of the number of children in the State who are eligible for the prekindergarten programs and the needs that will be served through the prekindergarten programs;

“(5) a description of how the State will ensure that the subgrants are awarded to a wide range of types of qualified prekindergarten providers;

“(6) a description of how the designated State agency will collaborate and coordinate activities with State-funded providers of prekindergarten programs, providers of federally funded programs such as Head Start agencies, local educational agencies, and child care providers;

“(7) a description of how the State will ensure, through a monitoring process, that qualified prekindergarten providers receiving the subgrants continue to place priority on the target population of children described in paragraph (1), provide programs that meet the standards of high quality early education, and use funds appropriately;

“(8) a description of how the State will meet the needs of working parents; and

“(9) a description of how the State will assist in providing professional development assistance to prekindergarten teachers and teacher aides.

“(c) FEDERAL SHARE.—The Federal share of the cost described in section 663(b) shall be 50 percent. The State shall provide the non-Federal share of the cost in cash.

“(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds made available under this Act may be used only to supplement and not supplant other Federal, State, local, or private funds that would, in the absence of the funds made available under this Act, be made available for early childhood programs.

“(e) MAINTENANCE OF EFFORT.—A State that receives a grant under this Act for a fiscal year shall maintain the expenditures of the State for early childhood programs at a level not less than the level of such expenditures of the State for the preceding fiscal year.

#### “SEC. 665. STATE SET ASIDES AND EXPENDITURES.

“(a) INFANT AND TODDLER SET ASIDE.—Notwithstanding sections 662 and 663, a State shall set aside not less than 10 percent of the funds made available through a grant awarded under this Act for the purpose of funding high quality early childhood development programs for children who are ages 0 through 3. Funds made available under this subsection may also be used for professional development for teachers and teacher aides in classrooms for children who are ages 0 through 3.

“(b) EXTENDED DAY AND EXTENDED YEAR SET ASIDE.—Notwithstanding section 663, a State shall set aside not less than 10 percent

of the funds made available through a grant awarded under this Act for the purpose of extending the hours of early childhood programs to create extended day and extended year programs.

“(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available through such a grant may be used for administrative expenses, including monitoring.

#### “SEC. 666. LOCAL APPLICATIONS.

“To be eligible to receive a subgrant under this Act, a qualified prekindergarten provider shall submit an application to the designated State agency at such time, in such manner, and containing such information as the agency may reasonably require, including—

“(1) a description of how the qualified prekindergarten provider will meet the diverse needs of children in the community to be served, including children with disabilities, whose native language is not English, or with other special needs, children in the State foster care system, and homeless children;

“(2) a description of how the qualified prekindergarten provider will serve eligible children who are not served through similar services or programs;

“(3) a description of a plan for involving families in the prekindergarten program;

“(4) a description of how children in the prekindergarten program, and their parents and families, will receive assistance through supportive services provided within the community;

“(5) a description of how the qualified prekindergarten provider collaborates with providers of other programs serving children and families, including Head Start agencies, providers of child care programs, and local educational agencies, to meet the needs of children, families, and working families, as appropriate; and

“(6) a description of how the qualified prekindergarten provider will collaborate with local educational agencies to ensure a smooth transition for participating students from the prekindergarten program to kindergarten and early elementary education.

#### “SEC. 667. LOCAL PREKINDERGARTEN PROGRAM REQUIREMENTS.

“(a) MANDATORY USES OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this Act shall use funds received through the grant to establish, expand, or enhance prekindergarten programs for children who are ages 3 through 5, including—

“(1) providing a prekindergarten program that supports children's cognitive, social, emotional, and physical development and approaches to learning, and helps prepare children for a successful transition to kindergarten;

“(2) purchasing educational equipment, including educational materials, necessary to provide a high quality prekindergarten program; and

“(3) extending part-day prekindergarten programs to full-day prekindergarten programs.

“(b) PERMISSIBLE USE OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this Act may use funds received through the grant to—

“(1) pay for transporting students to and from a prekindergarten program; and

“(2) provide professional development assistance to prekindergarten teachers and teacher aides.

“(c) PROGRAM REQUIREMENTS.—A qualified prekindergarten provider that receives a subgrant under this Act shall carry out a high quality prekindergarten program by—

“(1) maintaining a maximum class size of 20 children, with at least 1 prekindergarten teacher per classroom;

“(2) ensuring that the ratio of children to prekindergarten teachers and teacher aides shall not exceed 10 to 1;

“(3) utilizing a prekindergarten curriculum that is research- and evidence-based, developmentally appropriate, and designed to support children's cognitive, social, emotional, and physical development, and approaches to learning;

“(4) providing a program with a minimum of a 6-hour schedule per day; and

“(5) ensuring that prekindergarten teachers meet the requirements of this Act.

#### “SEC. 668. REPORTING.

“(a) QUALIFIED PREKINDERGARTEN PROVIDER REPORTS.—Each qualified prekindergarten provider that receives a subgrant from a State under this Act shall submit an annual report, to the designated State agency, that reviews the effectiveness of the prekindergarten program provided. Such annual report shall include—

“(1) data specifying the number and ages of enrolled children, and the family income, race, gender, disability, and native language of such children;

“(2) a description of—

“(A) the curriculum used by the program;

“(B) how the curriculum supports children's cognitive, social, emotional, and physical development and approaches to learning; and

“(C) how the curriculum is appropriate for children of the culture, language, and ages of the children served; and

“(3) a statement of all sources of funding received by the program, including Federal, State, local, and private funds.

“(b) STATE REPORTS.—Each State that receives a grant under this Act shall submit an annual report to the Secretary detailing the effectiveness of all prekindergarten programs funded under this Act in the State.

“(c) REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that describes the State programs of assistance for prekindergarten programs funded under this Act.

#### “SEC. 669. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act—

“(1) \$5,000,000,000 for fiscal year 2008;

“(2) \$6,000,000,000 for fiscal year 2009;

“(3) \$7,000,000,000 for fiscal year 2010;

“(4) \$8,000,000,000 for fiscal year 2011; and

“(5) \$9,000,000,000 for fiscal year 2012.”

By Mr. MENENDEZ (for himself, Mr. DURBIN, Ms. SNOWE, Mr. BROWN, Mr. DODD, and Mr. LAUTENBERG):

S. 1375. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today with my friends Senators DURBIN and SNOWE to reintroduce the Mom's Opportunity to Access Help, Education, Research, and Support for Postpartum Depression, MOTHERS, Act.

Senator DURBIN has been and continues to be a leader on this issue and I am grateful for the opportunity to work with him on this important legislation. I would also like to recognize Representative RUSH, who has been a champion for women battling

postpartum depression, PPD, in the House for many years. I am proud to say that his bill, The Melanie Stokes Postpartum Depression Research and Care Act, shares the same goals as the MOTHERS Act.

Mr. President, in the United States, 10 to 20 percent of women suffer from a disabling and often undiagnosed condition known as postpartum depression. Unfortunately, many women are unaware of this condition and often do not receive the treatment they need. That is why I am introducing the MOTHERS Act, so that women no longer have to suffer in silence and feel alone when faced with this difficult condition.

Last year, the great State of New Jersey passed a first of its kind law requiring doctors and nurses to educate expectant mothers and their families about postpartum depression. This bill was introduced in the State legislature by State Senate President Richard Codey. The attention of Senator Codey and his wife, Mary Jo Codey, who personally battled postpartum depression, have brought to the issue is remarkable. Brooke Shields, a graduate of Princeton University, has also shared her struggle with postpartum depression publicly and should be commended for her efforts to bring awareness to this condition. Postpartum depression affects women all across the country, not just in New Jersey, and that is why I believe the MOTHERS Act is so important.

In America, 80 percent of women experience some level of depression after childbirth. This is what people often refer to as the "baby blues." However, each year, there are between 400,000 and 800,000 women across America who suffer from postpartum depression, a much more serious condition. These mothers often experience signs of depression and may lose interest in friends and family, feel overwhelming sadness or even have thoughts of harming their baby or harming themselves. People often assume that these feelings are simply the "baby blues", but the reality is much worse. Postpartum depression is a serious and disabling condition and new mothers deserve to be given information and resources on this condition so, if needed, they can get the appropriate help.

The good news is that treatment is available. Many women have successfully recovered from postpartum depression with the help of therapy, medication, and support groups. However, mothers and their families must be educated so that they understand what might occur after the birth of their child and when to get help. This legislation will require doctors and nurses to educate every new mother and their families about postpartum depression before they leave the hospital and offer the opportunity for new mothers to be screened for postpartum depression symptoms during the first year of postnatal check up visits. It also provides social services to new

mothers and their families who are suffering and struggling with postpartum depression. By increasing education and early treatment of postpartum depression, mothers, husbands, and families, will be able to recognize the symptoms of this condition and help new mothers get the treatment they need and deserve.

The MOTHERS Act has another important component. While we continue to educate and help the mothers of today, we must also be prepared to help future moms. By increasing funding for research on postpartum conditions at the National Institutes of Health, we can begin to unravel the mystery behind this difficult to understand illness. The more we know about the causes and etiology of postpartum depression, the more tools we have to treat and prevent this heartbreaking condition.

We must attack postpartum depression on all fronts with education, screening, support, and research so that new moms can feel supported and safe rather than scared and alone. Many new mothers sacrifice anything and everything to provide feelings of security and safety to their innocent, newborn child. It is our duty to provide the same level of security, safety and support to new mothers in need.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 194—COMMEMORATING THE 40TH ANNIVERSARY OF THE LANDMARK CASE IN RE GAULT, ET. AL., IN WHICH THE SUPREME COURT HELD THAT ALL CHILDREN ACCUSED OF DELINQUENT ACTS AND FACING A PROCEEDING IN WHICH THEIR FREEDOM MAY BE CURTAILED HAVE A RIGHT TO COUNSEL IN THE PROCEEDINGS AGAINST THEM**

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

S. RES. 194

Whereas, on May 15, 1967, the Supreme Court recognized in *In re Gault, et al.*, 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the 40th anniversary of the decision in *In re Gault, et al.*, 387 U.S. 1 (1967);

(2) encourages all people of the United States to recognize and honor the 40th anniversary of the Gault decision;

(3) supports strategies to improve the juvenile justice system that appreciate the unique nature of childhood and adolescence; and

(4) pledges to acknowledge and address the modern day disparities that remain for children after the Gault decision.

**SENATE RESOLUTION 195—COMMENDING THE OREGON STATE UNIVERSITY COLLEGE OF FORESTRY ON THE OCCASION OF ITS CENTENNIAL**

Mr. SMITH (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 195

Whereas educational programs in forestry were established at the Oregon Agricultural College in 1906 and have evolved for 100 years, forming the foundation for today's Oregon State University College of Forestry;

Whereas the centennial year of the College of Forestry began in May 2006 and culminates with a celebration in May 2007, providing for year-long recognition of exceptional education, research, outreach, and service programs, and outstanding faculty, staff, and students;

Whereas the College of Forestry aspires to be the world's premier academic institution in forestry and to serve the people of Oregon, the Nation, and the world;

Whereas the College of Forestry is committed to providing the knowledge and graduates needed to sustain forests and the functions, products, and values forests provide for current and future generations;

Whereas the College of Forestry addresses complex forest resource challenges through collaboration across disciplines, institutions, and perspectives;

Whereas the College of Forestry has fostered teaching and learning about forests through its forest engineering, forest resources, forest science, and wood science and engineering educational programs;

Whereas the College of Forestry actively encourages students to engage in distinctive problem solving and to conduct fundamental research on the nature and use of forests, and to share discoveries with others;

Whereas the College of Forestry conducts research on a wide range of topics, in the disciplines of biology, botany, ecology, engineering, forest management, manufacturing and marketing of wood products, the social sciences, wood chemistry, and physiology, that affect virtually all Oregonians because of the importance of forests to the people of Oregon and the State's economic health;

Whereas the College of Forestry recognizes strength in diversity of faculty, staff, students, and ideas, and nurtures the community through communication and respect;

Whereas the College of Forestry operates 14,000 acres of forests, which serve as a living laboratory where active forest management provides teaching, research, and demonstration opportunities for all Oregonians; and

Whereas the College of Forestry has been recognized by peers as the premier forestry research college in North America: Now, therefore, be it

*Resolved*, That the Senate commends the Oregon State University College of Forestry on the occasion of its centennial.



## AMENDMENTS SUBMITTED AND PROPOSED

SA 1083. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1084. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Ms. CANTWELL, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1086. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. COBURN, Mr. CARPER, Mr. GREGG, Mr. SUNUNU, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1088. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1090. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1083.** Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

**SEC. 4. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.**

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

**SA 1084.** Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Ms. CANTWELL, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.**

Section 511 of the Water Resources and Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6), by striking “\$10,000,000” and inserting “\$30,000,000”; and

(2) by striking subsection (c) and inserting the following:

“(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

“(1) AVIAN PREDATORS.—

“(A) IN GENERAL.—The Secretary, in conjunction with the Secretary of Commerce and the Secretary of the Interior, shall conduct research on, and plan, design, and implement, activities to reduce predation by caspian terns and doublecrested cormorants, as the Secretary determines to be biologically sound and cost-effective to improve survival of Columbia River juvenile salmonids.

“(B) INCLUSIONS.—Activities under subparagraph (A) include—

“(i) research;

“(ii) the acquisition of real estate interests from willing sellers;

“(iii) planning, design, construction activities; and

“(iv) maintenance of sites for the relocation of the avian predators within and outside of the Columbia River watershed.

“(2) COORDINATION.—The Secretary shall carry out the activities under paragraph (1) in coordination with—

“(A) appropriate Federal, State, and local agencies;

“(B) affected Indian tribes; and

“(C) the Northwest Power Planning and Conservation Council.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—The research and activities under this subsection shall be carried out—

“(i) under the Columbia River fish mitigation project of the Corps of Engineers; and

“(ii) using \$30,000,000 of amounts made available to carry out that project.

“(B) APPORTIONMENT.—The cost of any avian predation management activity under this subsection shall be apportioned among the 8 Lower Columbia River and Snake River projects of the Federal Columbia River power system of the Corps of Engineers for off-site mitigation to address additional salmonid survival improvements under the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.).”.

**SA 1085.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

which was ordered to lie on the table; as follows:

On page 60, between lines 16 and 17, insert the following:

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2447), could address a substantial threat to life and property, the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning on December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairperson of the Committee on Environment and Public Works of the Senate and the Chairperson of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce as a bill the proposal, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, as applicable.

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—On a failure by a Committee to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

**SA 1086.** Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. COBURN, Mr. CARPER, Mr. GREGG, Mr. SUNUNU, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the



Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

#### SEC. 2. WATER RESOURCES COMMISSION.

##### (a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission, to be known as the “Water Resources Commission” (referred to in this section as the “Commission”), to prioritize water resources projects in the United States.

##### (2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(i) 2 members shall be appointed by the President;

(ii) 2 members shall be appointed by the Speaker of the House of Representatives;

(iii) 1 member shall be appointed by the minority leader of the House of Representatives;

(iv) 2 members shall be appointed by the majority leader of the Senate; and

(v) 1 member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members shall be appointed to the Commission from among individuals who—

(i) are of recognized standing and distinction with respect to water policy issues; and

(ii) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(C) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under subparagraph (A) by not later than 90 days after the date of enactment of this Act.

##### (3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

##### (b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Com-

mission shall submit to Congress a report containing the recommendations and prioritization method required under this paragraph.

(C) RECOMMENDATIONS.—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly-authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) PROJECT INCLUSIONS.—The report shall include, at a minimum, each water resources project—

(i) included in the fiscal transparency report under section 2004(b)(1); and

(ii) authorized for construction on the date of enactment of this Act and during the 10-year period prior to the date of enactment of this Act.

##### (E) PRIORITIZATION REQUIREMENTS.—

(i) IN GENERAL.—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) MULTIPURPOSE PROJECTS.—Each multipurpose project described in the report shall be classified by the project type that best represents the primary project purpose, as determined by the Commission and be classified into the tier system described in clause (i) within that project type.

(iii) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under clause (i), the Commission shall ensure that each tier is limited to total authorized project costs of \$5,000,000,000 and includes not more than 100 projects.

(iv) BALANCE.—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) PROJECT PRIORITIZATION CRITERIA.—In preparing the report, the Commission shall prioritize each water resource project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life; avoids increasing risks to human life or damages to property in the case of large flood events; and avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable, and avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and is cost-effective or produces economic benefits.

(2) AVAILABILITY.—The report prepared under this subsection shall be published in

the Federal Register and submitted to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

##### (c) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

##### (2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

##### (d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

##### (2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

##### (C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) TERMINATION.—The Commission shall terminate on the date that is 90 days after

the date on which the final report of the Commission is submitted under subsection (b).

(f) FUNDING.—In carrying out this section, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

**SA 1087.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5. CREDIT FOR EXPENSES INCURRED IN HURRICANE OR FLOOD PROTECTION PROJECTS.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 30D. CREDIT FOR EXPENSES INCURRED IN HURRICANE OR FLOOD PROTECTION PROJECTS.**

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified expenditures of the taxpayer for the taxable year.

“(b) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under subpart A and sections 27 and 30A for the taxable year.

“(c) QUALIFIED EXPENDITURES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified expenditures’ means amounts paid or incurred by the taxpayer for an unfunded authorized project, but only to the extent—

“(A) such amounts are paid or incurred after a request by the taxpayer to expend such amounts has been approved by the Federal agency administering the unfunded authorized project or after a 90-day period following such request (plus an additional 30-day period if requested by such agency within the 90-day period) during which no decision regarding such request is made by such agency, and

“(B) such amounts are applied proportionally to the Federal and non-Federal share of the total amount authorized to be appropriated for such project.

“(2) UNFUNDED AUTHORIZED PROJECT.—The term ‘unfunded authorized project’ means any project—

“(A) authorized by Federal law to provide hurricane or flood protection in the United States, and

“(B) with respect to which no or only partial Federal funding has been appropriated prior to the request described in paragraph (1)(A).

“(d) CARRYOVERS ALLOWED.—

“(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (b) for such taxable year (referred to as the ‘unused credit year’ in this paragraph), such excess shall be allowed as a credit carryforward for each of the taxable years following the unused credit year

or as a credit carryback for each of the taxable years preceding the unused credit year.

“(2) RULES.—For purposes of paragraph (1), rules similar to the rules of section 39 shall apply, except that—

“(A) subsection (a)(1) shall be applied—

“(i) by substituting ‘3 taxable years’ for ‘1 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘5 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof, and

“(B) subsection (a)(2) shall be applied—

“(i) by substituting ‘8 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘7 taxable years’ for ‘20 taxable years’ in subparagraph (B).

“(e) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (b)).

“(2) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credit allowable under subsection (a)), shall be reduced by the amount of credit allowed under subsection (a) (determined without regard to subsection (b)) for the taxable year.

“(3) REDUCTION FOR ASSISTANCE.—The amount taken into account under subsection (a) with respect to any project shall be reduced by the amount of any Federal, State, or local grant or other assistance received by the taxpayer during such taxable year or any prior taxable year which was used to make qualified expenditures and which was not included in the gross income of such taxpayer.”

(b) BASIS ADJUSTMENT.—Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(e)(1).”

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Credit for expenses incurred in hurricane or flood protection projects.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SA 1088.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5. INNER HARBOR NAVIGATION CANAL LOCK PROJECT.**

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

**SA 1089.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 1, strike “The” and insert “Subject to paragraph (5), the”.

On page 210, between lines 21 and 22, insert the following:

(5) REQUIREMENT.—No Federal funds shall be used to conduct any study, or to carry out any activity relating to the design or construction, of the visitors center under this subsection until the date on which the Secretary, in consultation with the Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

**SA 1090.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 5 and insert the following:

(6) IMPERIAL BEACH, CALIFORNIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the

On page 11, between lines 15 and 16, insert the following:

(B) REQUIREMENT.—No Federal funds shall be used for beach nourishment for Imperial Beach, California, until the date on which the Secretary certifies to Congress that the Sacramento River Bank Protection Project has been completed.

**SA 1091.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new division:

**DIVISION B—EMERGENCY WAR APPROPRIATIONS**

**SEC. 100. EMERGENCY WAR APPROPRIATIONS.**

There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

## TITLE I

GLOBAL WAR ON TERROR  
SUPPLEMENTAL APPROPRIATIONS  
CHAPTER 1DEPARTMENT OF AGRICULTURE  
FOREIGN AGRICULTURAL SERVICE

## PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, during the current fiscal year, not otherwise recoverable, and uncovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, to remain available until expended.

## CHAPTER 2

## DEPARTMENT OF JUSTICE

## LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL  
ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$4,093,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES  
ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$5,000,000, to remain available until September 30, 2008.

## UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES  
MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, \$14,921,000, to remain available until September 30, 2008.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,736,000, to remain available until September 30, 2008.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$118,260,000.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$8,468,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS,  
AND EXPLOSIVES

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$4,000,000, to remain available until September 30, 2008.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$17,000,000, to remain available until September 30, 2008.

## CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY  
PERSONNEL

## MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$8,510,270,000.

## MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$692,127,000.

## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$1,386,871,000.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,101,287,000.

## RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$147,244,000.

## RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$72,800,000.

## RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$3,000,000.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$436,025,000.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$20,423,379,000.

## OPERATION AND MAINTENANCE, NAVY

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Navy”, \$5,040,482,000, of which \$120,293,000 shall be transferred to Coast Guard, “Operating Expenses”, for reimbursement for activities in support of activities requested by the Navy.

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,401,594,000.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$7,035,881,000.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$3,279,307,000.

## OPERATION AND MAINTENANCE, ARMY

## RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$74,049,000.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$111,066,000.

## OPERATION AND MAINTENANCE, MARINE CORPS

## RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$13,591,000.

## OPERATION AND MAINTENANCE, AIR FORCE

## RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$10,160,000.

## OPERATION AND MAINTENANCE, ARMY

## NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$38,429,000.

## AFGHANISTAN SECURITY FORCES FUND

For an additional amount for “Afghanistan Security Forces Fund”, \$5,906,400,000, to remain available until September 30, 2008.

## IRAQ SECURITY FORCES FUND

For an additional amount for “Iraq Security Forces Fund”, \$3,842,300,000, to remain available until September 30, 2008.

## IRAQ FREEDOM FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Iraq Freedom Fund”, \$455,600,000, to remain available for transfer until September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT  
FUND

For an additional amount for “Joint Improvised Explosive Device Defeat Fund”,

\$2,432,800,000, to remain available until September 30, 2009.

## PROCUREMENT

## AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, \$627,750,000, to remain available until September 30, 2009.

## MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$160,173,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$3,502,315,000, to remain available until September 30, 2009.

## PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$681,500,000, to remain available until September 30, 2009.

## OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$10,946,687,000, to remain available until September 30, 2009.

## AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, \$730,713,000, to remain available until September 30, 2009.

## WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, \$171,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, \$159,833,000, to remain available until September 30, 2009.

## OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$745,425,000, to remain available until September 30, 2009.

## PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, \$2,055,715,000, to remain available until September 30, 2009.

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$1,726,336,000, to remain available until September 30, 2009.

## MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, \$140,300,000, to remain available until September 30, 2009.

## PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, \$95,800,000, to remain available until September 30, 2009.

## OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$2,092,754,000, to remain available until September 30, 2009.

## PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$979,380,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATIONRESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$115,976,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”,

\$460,175,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$220,721,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$650,864,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,315,526,000.

OTHER DEPARTMENT OF DEFENSE  
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,123,147,000.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$259,115,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and Central Asia: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT  
ACCOUNT

For an additional amount for "Intelligence Community Management Account", \$66,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$7,000,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109-289; 120 Stat. 1257), except for the fourth proviso: *Provided fur-*

*ther*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109-289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed \$6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Laws 106-398, 108-136, and 109-364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring, and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed \$456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any

other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364) is amended by striking "\$310,277,000" and inserting "\$376,446,000".

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this division may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 1312. Section 9007 of Public Law 109-289 is amended by striking "20" and inserting "287".

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLD-OVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of nonmilitary medical facilities, or for facilities used to quarter individuals with medical conditions that may require

medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the “Iraq Security Forces Fund” for fiscal year 2007, up to \$155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

#### CHAPTER 4

##### DEPARTMENT OF ENERGY

##### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY ADMINISTRATION

##### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation”, \$63,000,000.

#### CHAPTER 5

##### MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$1,289,290,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*,

That of the funds provided under this heading, \$280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$390,500,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$60,200,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

#### CHAPTER 6

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for “Diplomatic and Consular Programs”, \$912,996,000, to remain available until September 30, 2008, of which \$67,155,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than \$20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion \$15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109-148 under the heading “Emergencies in the Diplomatic and Consular Service” for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed \$20,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards.

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$35,000,000, to remain available until December 31, 2008.

##### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for “Educational and Cultural Exchange Programs”, \$20,000,000, to remain available until expended.

##### INTERNATIONAL ORGANIZATIONS

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$200,000,000, to remain available until September 30, 2008.

##### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for ac-

tivities related to broadcasting to the Middle East, \$10,000,000, to remain available until September 30, 2008.

#### FOREIGN OPERATIONS

##### BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for “Child Survival and Health Programs Fund”, \$161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, funds made available under the heading “Millennium Challenge Corporation” and “Global HIV/AIDS Initiative” in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

##### INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for “International Disaster and Famine Assistance”, \$105,000,000, to remain available until expended.

##### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development”, \$5,700,000, to remain available until September 30, 2008.

##### OTHER BILATERAL ECONOMIC ASSISTANCE

##### ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$3,135,000,000, to remain available until September 30, 2008.

##### DEPARTMENT OF STATE

##### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for “Assistance for Eastern Europe and the Baltic States”, \$279,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$260,000,000, to remain available until September 30, 2008.

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$71,500,000, to remain available until September 30, 2008.

##### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, \$30,000,000, to remain available until expended.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, \$27,500,000, to remain available until September 30, 2008.

##### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE PROGRAM

For an additional amount for “International Affairs Technical Assistance”, \$2,750,000, to remain available until September 30, 2008.

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$220,000,000, to

remain available until September 30, 2008, for assistance for Lebanon.

PEACEKEEPING OPERATIONS  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Peacekeeping Operations”, \$278,000,000, to remain available until September 30, 2008, of which up to \$128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to “Contributions to International Peacekeeping Activities”, to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions.

GENERAL PROVISIONS—THIS CHAPTER  
AUTHORIZATION OF FUNDS

SEC. 1601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1602. Section 1302(a) of Public Law 109-234 is amended by striking “one additional year” and inserting in lieu thereof “two additional years”.

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1603. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95-452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109-440), is amended by inserting “or fiscal year 2007” after “fiscal year 2006”.

DEBT RESTRUCTURING

SEC. 1604. Amounts appropriated for fiscal year 2007 for “Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring” may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1605. Of the funds appropriated by this Act for assistance for Iraq under the heading “Economic Support Fund” that are available to support Provincial Reconstruction Team activities, up to \$100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Nonproliferation, Anti-terrorism, Demining and Related Programs” for assistance for Jordan: *Provided*, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1606. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings “Foreign Military Financing Program” and “Nonproliferation, Anti-terrorism, Demining and Related Programs”, the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advo-

cates, plans, sponsors, engages in, or has engaged in, terrorist activity: *Provided*, That this section shall be effective notwithstanding section 534(a) of Public Law 109-102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1607. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1608. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the “Inspector General”) may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General’s oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings “International Disaster and Famine Assistance”, “Office of the United States Agency for International Development Inspector General”, and “Office of the Inspector General”: *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CIVILIAN RESERVE CORPS

SEC. 1610. Of the funds appropriated by this Act under the headings “DIPLOMATIC AND

CONSULAR PROGRAMS” and “Economic Support Fund” (except for the Community Action Program), up to \$50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

CHAPTER 1

DEPARTMENT OF DEFENSE  
MILITARY CONSTRUCTION

DEPARTMENT OF DEFENSE BASE CLOSURE  
ACCOUNT, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$3,136,802,000, to remain available until expended.

CHAPTER 2

GENERAL PROVISIONS—THIS DIVISION  
AVAILABILITY OF FUNDS

SEC. 2201. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 2202. Amounts provided in title I of this division are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 2203. Amounts provided in title II of this division are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This division may be cited as the “Support Our Troops Act of 2007”.

COMMEMORATING THE 40TH ANNIVERSARY OF THE LANDMARK CASE OF IN RE GAULT, ET AL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 194.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 194) commemorating the 40th anniversary of the landmark case *In re Gault*, et. al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, this year marks the 40th anniversary of the landmark Supreme Court decision of *In re Gault* in 1967, in which the Court declared that children accused of delinquent acts have a constitutional right to counsel. Before that decision, children accused of delinquency had virtually no legal rights. They were at the mercy of a legal system that often led to unjust results. Gerald Gault’s experience illustrates the injustices that often took place.

When he was 15 years old, Gerald was accused of a delinquent act that involved making a nuisance phone call. He was swept up in a juvenile justice system that had almost no procedural



safeguards. Basic rights available to adults were denied to him. He was sentenced by the juvenile court to 6 years in his State's Youth Industrial School, with no right to appeal the decision. Fortunately, his parents didn't give up. They filed a writ of habeas corpus for his release.

Gerald's case eventually reached the Supreme Court, which held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution. These rights included the right to advance notice of the charges, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses. Eventually, the charges against Gerald were dropped, and his case changed the juvenile justice system forever.

In fact, the development of the juvenile justice system was long in coming. Before the 20th century, children as young as 7 years of age could be tried as criminals, and if found guilty, could be sentenced to prison or even to death. The first juvenile court was established just over a century ago in Chicago as a result of the efforts of reformers who were appalled by the denial of rights to young offenders. By 1925, the majority of States had separate courts for juveniles in a system guided by the doctrine of *parens patriae*, which gave each State the authority to act as a parent for children in need of guidance and protection. Under the doctrine, States were able to provide treatment and rehabilitation or safe conditions of confinement for troubled youth, and the Gault decision guaranteed that juvenile offenders would have basic legal rights.

In the years that followed, numerous improvements have been made to the juvenile justice system. In recent years, however, there has been an alarming escalation in the willingness of States to treat children as adults. Nearly 100,000 children today are incarcerated in juvenile facilities, and they may well be the most vulnerable and defenseless group in our criminal justice system. They are routinely sent to adult prisons where they face significant dangers. Juveniles in adult facilities are five times more likely than those in juvenile facilities to report being sexually assaulted. Even more disturbing, the suicide rate of children in adult prisons is over seven times higher than those in juvenile facilities. Their plight is shameful and unacceptable. Clearly, these children deserve better.

Gerald Gault went on to have a long career in the United States Army, rising to the rank of sergeant. He has become a deeply devoted family man and will celebrate his 35th wedding anniversary 5 days after the 40th anniversary of the Supreme Court decision in his case. Who knows what would have happened to Gerald if he had not been given his due process rights and had been locked away instead in a deten-

tion center? The anniversary of the Gault decision is a time for all of us to remember that the juvenile justice system is there to protect the rights of the Nation's children, and this resolution enables us to renew our commitment to building on the legacy of that historic decision.

With this resolution, the Senate acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally achieve the goals set forth in the Gault decision. I am pleased that the resolution has the support of so many organizations and individuals across the country, including the National Juvenile Defender Center, Harvard Law School, the Child Welfare League, the ACLU, the Council of Juvenile Correctional Administrators, the Center for Children's Law and Policy, the National Immigration Project of the National Lawyers Guild in Boston, the Children's Law Center of Massachusetts and so many other distinguished individuals fighting for a better justice system for all children in the United States.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if given.

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

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 194

Whereas, on May 15, 1967, the Supreme Court recognized in *In re Gault*, et al., 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 40th anniversary of the decision in *In re Gault*, et al., 387 U.S. 1 (1967);

(2) encourages all people of the United States to recognize and honor the 40th anniversary of the Gault decision;

(3) supports strategies to improve the juvenile justice system that appreciate the unique nature of childhood and adolescence; and

(4) pledges to acknowledge and address the modern day disparities that remain for children after the Gault decision.

#### IRAQ FUNDING

Mr. REID. Mr. President, it is my understanding, prior to my doing the closing—and I don't know if the distinguished Republican leader has anything today—it is my understanding that the Senator from Virginia wanted to make a statement. Does the Senator from Kentucky have anything to say?

Mr. McCONNELL. No, Mr. President, I don't have anything to add.

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

Mr. WARNER. Mr. President, if I may engage our respected leaders in a colloquy regarding the passage last night of the House supplemental. I am speaking for, I think, a number of Senators on both sides of the aisle, who have some thoughts with regard to how we proceed on the funding issue. I personally—speaking for myself—believe we should have no bifurcation of the funding and that it should all be acted upon at one time. I am very anxious that the tentative schedule of the leadership is before Memorial Day. That is most important.

I hope some of us could address the Senate and the leadership regarding the subject of benchmarks. I read with great interest that the President is openminded on the question of benchmarks. I believe it is important that, in September, General Petraeus is going to give us a report, together with the U.S. Ambassador, and presumably the Secretaries of State and Defense will join in that very important report to the Congress—indeed, to the whole country—with regard to the status of things in Iraq in September. I do believe there is such a rapidly unfolding situation over there—we don't know from day to day how to anticipate certain things. Earlier this morning, General Moxon reported that he didn't have sufficient forces, U.S. forces and presumably Iraqi forces, to perform his mission in Diyala Province.

I am hopeful, speaking for myself, that we can put in some language tied to benchmarks by which the President, before we go out on the August recess, would report to the Nation and to the Congress on his judgment as to whether there is progress on the benchmarks and whether he feels that in the July timeframe some change in strategy must be brought about in order to achieve the goals of the original strategy laid down on January 10 of this year.

My language would not have any obstruction to the flow of funds, but it would simply keep the Nation and the Congress fully informed of his judgment, together with his senior advisers, at that critical time before we go out on the August recess. I believe we have a responsibility, first and foremost, to the men and women in the Armed Forces, their families, and to the country for the Congress to watch this situation very closely and not defer until the September timeframe the concentrated judgment that would



be brought to bear on the receiving of the report in September.

To what extent can you advise us as to the process that might be followed in order to expeditiously get to the conference but at the same time either the conferees be informed of the views of others or we have some mechanism by which to address the issue?

Mr. REID. Mr. President, there are many issues—in fact, most issues that come before this body deal with monetary things, policy issues, which do not deal with the lives of our men and women in uniform. This issue does. I cannot speak for my Republican counterpart, Senator MCCONNELL, but I can say without any question that I believe he and I are arm-locked in the recognition of how serious this is and how we have to do the very best the Senate can do. We are going to try to do that.

This is a time when we have to work on a nonpartisan basis—not bipartisan but a nonpartisan basis—to get a matter to the House of Representatives so we can do a conference. At this stage, I have to say to my friend from Virginia, who is so knowledgeable about things military, we don't know how we are going to do that yet. That is a fair statement. Everything is on the table. But how we take things off the table and put certain things back on the table, I don't know at this stage. I don't think my friend from Kentucky does, either, but we are open for suggestions and comments. It is not an easy situation. The House of Representatives is a different body than we are. The majority party there can do what they want to do. We cannot do that. This is the Senate, which is divided, as we speak, 50 to 49. So we have to work together.

I say to my friend that I understand his involvement in this. He has worked

over the years very well with the Democrats. I look forward to that continuing during the supplemental appropriations bill. Speaking for me, I don't know how we are going to get there, but we are going to try. We have no choice. Failure is not an option.

Mr. WARNER. I thank the majority leader.

Mr. MCCONNELL. Mr. President, nobody has done more for his country, for the defense of this country, and for the Armed Forces of this country than the distinguished Senator from Virginia. We thank him for his ongoing advice about how to deal with this most difficult problem.

The majority leader and I are in exactly the same place. I believe the Senator from Virginia is as well. It is our great desire to get to conference and get a bill signed before Memorial Day. Exactly as the majority leader indicated, how we get from here to there is a matter under serious discussion between the two of us and with our members. So we will be working to get the job completed at the earliest possible opportunity.

Mr. REID. Mr. President, I only add that I have been as critical of the President as anybody in the Senate. But I have to say that, in the last week or two, his spokesperson, his Chief of Staff, speaking with the authority of the President, has been available to Senator MCCONNELL and me anytime I have asked. I appreciate that. If we are going to get this done, the President has to be part of the solution.

#### ORDERS FOR MONDAY, MAY 14, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

adjourned until 2 p.m., Monday, May 14; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees; that at 3 p.m., the Senate begin consideration of H.R. 1495, as provided for under a previous order.

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

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation, submission of statements, and adding cosponsors.

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

#### ADJOURNMENT UNTIL 2 P.M., MONDAY, MAY 14, 2007

Mr. REID. Mr. President, it is my understanding there is no further business to come before the Senate today. That being the case, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:08 p.m., adjourned until Monday, May 14, 2007, at 2 p.m.