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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by the guest Chaplain, Rev. Angel L. Berrios from Severn, MD.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father in Heaven, we take time to acknowledge Your presence here with us right now. We humbly come to You in prayer, believing that You alone are the one and only true God, sovereign, and almighty. Forgive us our shortcomings and disobediences, and honor our faith and sincere efforts to serve You.

We pray for each Senator that the Holy Spirit would give them wisdom and guidance to make right decisions for every issue that is presented in this session.

Father, we affirm that our Nation belongs to You; therefore, we as a people also yield ourselves to You, to Your will, so that we can bring glory and honor to Your kingdom. Thank You for Your daily mercies and grace upon each of us.

In Jesus' Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK PRYOR 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, September 20, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning, following any time Senator MCCONNELL and I may use, the Senate will conduct a period of morning business until 10:30. We need to start at that time. There is so much left on the Defense authorization bill. The time in morning business is equally divided and controlled between the two sides; the majority will control the first portion. Following that, the Senate will resume consideration of the Department of Defense authorization bill with debate continuing on the Cornyn amendment.

MEASURE PLACED ON THE CALENDAR—S. 2070

Mr. REID. It is my understanding that S. 2070 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2070) to prevent Government shutdowns.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30, with Senators permitted to speak therein for up to 10 minutes each, with the time equally controlled and divided by the two sides, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

Mr. CARDIN. Mr. President, 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.

Mrs. LINCOLN. 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.

FIFTIETH ANNIVERSARY OF THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mrs. LINCOLN. Mr. President, September 25, 2007, marks the 50th anniversary of one of the most important days in our country's history and certainly one of the most important days in the history of our State of Arkansas. On that day in 1957, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson

Thomas, and Carlotta Walls changed the world when they entered the doors to Little Rock Central High School and desegregated the Little Rock school district.

Known collectively as the Little Rock Nine, these brave young men and women faced down a jeering crowd, the Arkansas National Guard, and even their own Governor to take a principled stand and march toward greater equality for all in our Nation and in my home State of Arkansas.

As the mother of growing children right now, thinking of what those students must have felt at that time to have taken such a stand, to stand before their peers who were jeering and yelling at them, to stand up to authority as they did, must have been incredible.

Next week in Little Rock, we will commemorate the heroic sacrifice these students made to blaze a trail so that future generations could benefit. In doing so, it is also appropriate to recognize those in the community who uplifted these individuals and gave them the strength they needed.

Arkansas Daisy and L.C. Bates, Chris Mercer, Wiley Branton, and future Supreme Court Justice Thurgood Marshall either gave these children daily guidance or fought for them in the court system to ensure they could have access to a quality education that was their right as a citizen of this country.

We all think about the images and certainly the impression we leave on children today. We think about these individuals who made such an impact in the support they gave these children as they took this very important step. We must also not forget the enormous role the parents of the Little Rock Nine played to ignore threats and intimidation that came their way.

Again, as a parent and thinking of the preparation that goes into encouraging your children to take new steps and to stand up for what is right is tough because you know what your children will come up against. Those parents had to have had mixed emotions to send their children out there and wonder what kind of harm or what kind of crushing blow would come to their self-esteem or to their confidence.

Yet they supported it in every way known, making sure their clothes looked perfect or making sure their bodies and their souls were strong. What incredible parents they were.

What happened in Little Rock 50 years ago is not only a testament to those students, but it is also a testament to those who supported them. It is a testament to the people of Little Rock of all backgrounds who decided they would confront their own conscience, and it is a testament to those who, upon reflecting upon the matter, decided that doing what is right was worth the cost.

I also wish to recognize other communities in Arkansas that led the way for integration in the Deep South, even prior to the famous standoff of 1957; often these others receive little attention. Shortly after the Brown v. Board of Education decision in 1954, the communities of Charleston, Fayetteville, and Hoxie desegregated their schools to comply with the ruling of the Supreme Court.

Former U.S. Senator Dale Bumpers, a Charleston native and the attorney for the Charleston School Board in 1954, was very involved in his community's decision.

In a recent newspaper interview, he recounted that the members of the Charleston School Board made up their mind that the Supreme Court decision meant what it said and Charleston could save itself a lot of trouble by going ahead and integrating immediately instead of fighting it, fighting it out, essentially knowing it would be a lost cause.

Dale Bumpers continued to push for change, later as a lawyer, our Governor in Arkansas, and our U.S. Senator in Arkansas. In 1988, he authored the legislation that established the Little Rock Central High School National Historic Site which is administered by the National Park Service, the Little Rock School District and the City of Little Rock and other entities.

He was also responsible for the legislation that awarded the Little Rock Nine with the Congressional Gold Medal, our Nation's highest civilian honor. Monday, I and my colleagues will be in Little Rock to dedicate the new visitors center and the museum at that site. The new center will feature exhibits on the Little Rock Nine and the road to desegregation.

As a young child myself who experienced firsthand the integration of schools in my hometown of Helana, AR, I cannot imagine the fear and anxiety those students must have felt in that tumultuous environment in 1957.

I feel fortunate that my community embraced the process of integration and that my parents, in particular, were engaged and kept me in the local school district when so many of my friends were being moved to private schools.

My husband Steve, who is a graduate of Little Rock Central High School, and I are both better people for learning in integrated schools and experiencing the diversity and what it provides us.

I appreciate the lifelong lessons I learned in my early years. It is because of the Little Rock Nine that it was possible. Their decision to move this Nation forward makes me proud to be an Arkansan. It makes me proud to be an American.

In closing, I wish to specifically thank my colleagues from the Arkansas delegation, especially the Presiding Officer, my colleague, Senator MARK PRYOR, and Congressman VIC SNYDER. I have been so proud to work with both of them to secure the funding for the new visitors center.

In addition, I joined with Senator PRYOR, who also attended Little Rock Central High, to introduce a resolution which recognizes the 50th anniversary of the school desegregation. It passed the Senate earlier this month. I wish to thank all my colleagues for their support in that effort.

We all know there is still much to be done, still much that can be done in our country to ensure the goals of the Little Rock Nine are achieved and that equal rights are available for each and every individual in this great Nation.

We have come very far in the last 50 years. As we move forward, we should let the lessons of the past provide a measure of our progress and the inspiration to build on our achievements for all our fellow Americans.

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

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

Mr. PRYOR. Madam President, the names Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, Melba Pattillo Beals are part of Arkansas history and part of America's history.

When I talked to the so-called Little Rock Nine about the fact that we were able to secure funding for the visitors center, Minnijean Brown Trickey said it was an affirmation of a very beautiful and tragic story.

I think she captured it. The story of Little Rock Central High School in 1957 is a story of courage, of hardship, of justice, faith, tradition, power, opportunity, and leadership. I think that is why the story is so powerful, because it connects so many of those things all in one event or one series of events.

It has all of those elements, but there is also more to the story. The ''more to the story'' part is what I wanted to talk about today. We are here to talk about the events in 1957, to talk about the very painful but ultimately successful integration of a large public high school in a Southern city.

I need to thank my colleagues, Senator LINCOLN from Arkansas; my colleague in the House, Congressman VIC SNYDER; and also a colleague who is no longer with us in the Senate, Conrad Burns, because we all worked together to get the money for the Little Rock Central High Visitors Center, which will open this coming Monday.

But that is not all who worked in this effort. The National Park Service, the city of Little Rock, the 50th Anniversary Commemoration Committee, the Little Rock Nine Foundation, and countless others worked to have this special grand opening Monday; to have a visitors center, for a place that has a

place in our Nation's history on the civil rights struggle that has gone on in this country.

Also, I wish to say that Congressman VIC SNYDER was able to get a commemorative coin for Little Rock Central and the Little Rock Nine. I certainly helped him do that, along with Senator LINCOLN. We all worked hard on that, but Congressman SNYDER took the lead role.

This Friday night at Little Rock Central High School in Quigley Stadium, the Little Rock Central High Tigers will play the Pine Bluff Zebras. Once again, we find Little Rock Central is ranked in the top 10 in the Arkansas top 10 football rankings. But that stadium played a role in the Central High crisis. It is a role that is often forgotten because we focus on the Little Rock Nine, and certainly we should.

We focus on the turbulence in trying to integrate the school, and certainly we should. But also there were many other happenings at Little Rock Central that year. One of them was Little Rock Central High School just so happened to have what Sports Illustrated and other sports magazines and publications have called one of the alltime greatest high school football teams. That week Central High won its 23rd game in a row, against a team from Louisiana. The week before they beat a team from Texas. That same week, when the 101st Airborne showed up to restore order and keep the peace around the campus of Little Rock High School, the 101st Airborne set up their equipment on the Tigers' practice field.

Well, that was a huge no-no in the mind of Coach Wilson Matthews. He went out there and he barked orders to the 101st Airborne like they were his own football team. They hopped to and they got off the practice field. That Friday night, when the stands were full and the Tigers took the field, they looked up and there was the 101st Airborne cheering for the Central High School Tigers.

That story is captured in a great story in Sports Illustrated from this past year's April 9 publication. It captures the humanity and the impact that crisis had on people, not just that day or that year but for a lifetime.

The Little Rock Central High School story is complicated in some ways. It is about the best and the worst in American history. In some ways, it is about a city that is struggling to try, in postwar America, to work through many racial issues. It is a story that is not always successful. It is not always easy. But it is a story that in the end is a great story and is one that needs to be told.

Let me talk for a couple more minutes about the events of that day and why Little Rock Central is so important to the history of this country. First, we focus on the Little Rock Nine, and understandably these nine young black children had to pay a huge price; it took a lot of courage to do what they did. But it is more than them.

We had a Southern city that, by most standards, was considered to be a moderate Southern city when it came to race. The Little Rock School Board took the 1954 Brown v. Board of Education decision literally, and they believed they needed to integrate the Little Rock School System with all deliberate speed, as the Supreme Court said.

The quickest they could figure out to do it was in the fall of 1957. Of course, when that happened, they entered into this vortex of emotions, this vortex where you see a nation being torn apart by race and by many policies, not just in the South. We talk about the South, but certainly there is racism all over this country, and this country was in a struggle for civil rights.

In fact, it goes back to the founding documents of our democracy and our Declaration of Independence. It says all men are created equal. That is what the desegregation, the integration movement was about in this country: Are all men created equal or are there going to be two sets of everything for people in this country?

The Supreme Court did what it did. The local school board did what it did. The Governor in our State, to his everlasting shame, did not support what the school board did and actually energized people to oppose what the school board had done. The President had to call in the 101st Airborne to try to stop what was going on at Little Rock Central. Here is a photo of the famous Little Rock Nine. They are going to be honored all week in Little Rock. Again, they showed tremendous courage as they went through this process. Here we see a photo of Little Rock Central High with the 101st Airborne escorting students into the building. It is hard to imagine today; we have made such progress. I will be the first to say we are not there yet when it comes to race, but we have made so much progress.

Little Rock Central High School was a turning point. It didn't mean the struggle was over. In a lot of ways, it meant the struggle was beginning. But we have made a lot of progress. We have a lot to be proud of. Not everything that happened in 1957 is something Arkansas is proud of. But nonetheless, it was a huge turning point in making this country better.

I close talking about Little Rock Central High School today. Here is a photo of it today. The school looks identical to the way it looked in 1957. The architects of this country have called it one of the most beautiful high schools in America. It is now also one of the most successful high schools in America.

I pulled something off a history Web site. It says:

> Central offers students an international studies magnet program and an extensive curriculum including more than 30 Advanced Placement . . . courses. Central consistently has more National Merit Semifinalists than any other school in the state (19 in 2006–07 alone), claims a large percentage of the state's National Achievement Semifinalists (approximately 20% of Arkansas' total between 1994 and 2004) and has produced 15 Presidential Scholars since the program's inception in 1964.

Part of the story of Little Rock Central must include what has happened since September 25, 1957. Part of the story of Little Rock Central is a story about rebuilding, about integrating, about coming back, and about success.

I was very honored to have an opportunity to go to Little Rock Central High School, as did the husband of the senior Senator from the State of Arkansas. It has produced many strong leaders in the State. One of those was a dear friend of mine, Roosevelt Thompson, who passed away tragically when he was in college. But the story of Little Rock Central is a story that touches all of us. It is a very important part of our State's history and our national history.

We are honored that all nine of the Little Rock Nine are still living today and will be in Little Rock this week to commemorate some very difficult but very important events for this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEBT LIMIT

Mr. COBURN. Mr. President, I want to spend a few minutes talking about something that will come up in the next week or 10 days. That is an extension and expansion of the debt limit. An attempt will be made to do this by unanimous consent. That is wrong. Every Member of the Senate ought to be on record on whether we ought to expand again the amount of borrowing we are going to place on the backs of our children and grandchildren. The current statutory debt limit is $8.965 trillion. It was last raised March 20, 2006. This Senator voted against that. We have been on notice since that time that we needed to make the effort to rein in wasteful Washington spending so that we do not have to, in fact, borrow more money against our children's future. Only 10 years ago it was $5.95 billion. We have increased the debt in the last 10 years by 50 percent.

What does that mean? Individually, that means $30,000 for every man, woman, and child. But the important aspect is not just what we owe now but what the unfunded liabilities are for the future which are in excess of $70 trillion. What does that mean if you are born today? That means if you are born today, you will be inheriting at the moment of your birth liabilities of

over $400,000. How in the world can our children have an education, a great job, own a home, and give their children the things we have benefited from by being born owing $400,000?

It is time for things to come to a stop or to markedly change. This last week the Senate once again failed to make tough decisions about priorities. We chose to fund pork projects instead of repairing bridges. We said peace gardens, bike paths, and baseball stadiums are more important than critical infrastructure. Yesterday a new poll was released. Rightly so, it reflected less than 11 percent of Americans have confidence in this body. It is no wonder. Our priorities are wrong.

Congress for years has raided the Social Security and Medicare trust funds to hide the true size of the annual budget deficit. This practice has undermined the solvency of the programs and threatens both the retirement security of today's workers and the economic opportunities and future of our children and grandchildren. It is irresponsible to simply raise the debt limit while at the same time creating or expanding Federal programs that will result in additional borrowing from Social Security trust funds and not accepting the responsibility to make hard choices about what are our priorities. Congress has repeatedly demonstrated that it is unwilling to prioritize spending. This year multiple times the Senate has rejected amendments to cut spending while authorizing billions and billions of dollars in new spending. The Senate this year twice has rejected amendments stating that Congress has a moral obligation to offset the cost of new Government spending by getting rid of the waste, fraud, abuse, and duplication in current Federal programs.

American families don't have the luxury Congress has. They can't get a new loan or new credit cards after they have maxed out their capability to borrow. Yet instead, every day in this body we do essentially that.

The moral question is, why should we be proud of stealing from our children? There isn't a greater moral question before this country today than whether we are going to steal opportunity and freedom from the next generation.

I am putting the Senate on notice that I will not agree to a UC on the debt limit extension without a debate and full vote by each Member of this body on that debt limit and a recommitment to do what is right for the future.

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. VITTER. 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. VITTER. Mr. President, I will speak in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

DREAM ACT AMENDMENT

Mr. VITTER. Mr. President, I rise today to strongly oppose the Durbin amendment to the Defense appropriations bill. That amendment would pass the so-called DREAM Act into law.

In standing up in opposition, let me suggest this should not be called the DREAM Act. It should be called the ''Amnesty Reality Act'' because this is yet another attempt, another version of amnesty for a significant number of illegal aliens.

Let me say at the outset I am not standing here to criticize or to lambaste the individuals involved, undoubtedly, who came to this country with their parents to try to find a better life because of very difficult conditions in Mexico or otherwise.

The point of my opposition is not directed at them. It is directed at what is very bad and destructive policy in terms of U.S. immigration policy, repeating the mistakes of the past, making a very real problem worse and not better through a significant amnesty program.

Why is this an amnesty? Well, purely and simply, this so-called DREAM Act, which I think should be called the ''Amnesty Reality Act,'' embodied in this Durbin amendment to the Defense appropriations bill would provide a pathway to citizenship to who knows how many folks who entered this country, and remain in this country, illegally. Specifically, it targets folks who came into this country illegally as minors, presumably with their families, with their parents. It also gives them benefits in this country that most U.S. citizens do not enjoy, specifically, instate college tuition that U.S. citizens outside that State do not enjoy.

This is very frustrating to me. Just a few months ago, we had a major debate on the floor of this body about immigration policy. A large so-called comprehensive immigration bill was on the floor of the Senate. It received a lot of attention and a lot of focus. That was a good thing because the American people got engaged; they focused on what was going on. They understood what was being proposed, and they wrote and e-mailed and called us in record numbers.

I do not think anyone can deny the message came through loudly and clearly. The message was: We do not support an amnesty program because that will make the problem far worse and not better. The second part of the message was: Let's start with real enforcement. Let's finally get serious with border security, workplace security, to begin to address this very real illegal immigration problem in this country.

That message came through in such volume that it literally shut down the Senate phone system on the morning of that pivotal vote which defeated that so-called comprehensive immigration bill proposed by Senator KENNEDY and Senator DURBIN, the author of this DREAM Act amendment, and others.

What is so frustrating to me is that very loud, very clear message seems to have fallen on deaf ears in terms of some Members of this body. Unfortunately, this DREAM Act amendment is proof of that. Again, it is, clearly beyond argument, another version of amnesty. It would provide a pathway to citizenship for a significant class of people, folks who came into this country illegally as minors. We do not know how many people that would be, and we have very little way of enforcing even the provisions of this amendment to keep it to the folks to whom it is supposed to be targeted.

What do I mean by that? Well, the folks are supposed to have come into this country in the last 5 years. Yet at the same time the amendment says it can apply to people up to age 30. What sort of proof do these folks have to offer with regard to when they came into this country? There is no proof requirement. It could simply be an affirmative statement by themselves, no other required proof. So this is open ended, this is unenforceable, and it is a significant amnesty.

In addition, as I mentioned a few minutes ago, it provides substantial benefits to these folks illegally in our country, benefits that the huge majority of American citizens do not enjoy. What is that? Well, the biggest is instate college tuition that would come to folks who sign up for the DREAM Act. As soon as they sign up, they would be treated as instate residents of that State. They would get instate tuition, and—guess what—all other U.S. citizens, the children of all other U.S. citizens outside that particular State who would love the benefit of instate tuition would not enjoy that same benefit.

That does not match the commonsense test that the American people want us to use. It certainly has nothing to do with the message the American people sent to us loudly and clearly during the debate on the so-called comprehensive immigration bill with its massive amnesty program. Again, that message came through loudly and clearly: No amnesty; real enforcement.

The American people are saying that not because they are mean-spirited, not because they hold anything against these individuals who are seeking a better life in this country, but because they know, because common sense tells them, this is going to make the problem worse and not better. Inadequate enforcement, with amnesty, acts as a magnet to magnify the problem, to encourage more illegals to cross the border into our country. If that does not ring true just because of common sense, history proves it.

The last time the Congress acted in this area of the law was in 1986, again

with significant immigration reform. The promise was exactly the same: We are going to get serious. We are going to get real with enforcement. We just need this amnesty one time—never again—to help solve the problem.

Well, what happened? That bill passed into law. The real enforcement never happened to an adequate extent, but, of course, the amnesty provision went into effect immediately. What happens when you combine inadequate enforcement with real amnesty? What you do is make the problem worse and not better, encourage more illegals to come into the country.

The proof of the pudding is in the eating. In this case it is in the numbers. What was then, in 1986, a problem of 3 million illegal aliens in this country, is now a problem of 12 or 13 million or more. So what did that one-time solution do? It quadrupled the problem. It proved not to be a solution at all.

I suggest we do something that some might consider novel around here. Let's listen to the common sense and wisdom of the American people. Let's say no to amnesty, as we did in June by defeating the immigration bill sponsored by Senator KENNEDY and others. Let's say yes to real enforcement both at the border and in the workplace. And let's offer that message again by defeating this very ill-conceived Durbin amendment.

To help defeat this amendment, I will be offering a second-degree amendment to the Durbin amendment. My second-degree amendment is very simple. It simply says nothing in the Durbin amendment goes into effect, goes into law, until the US–VISIT Program is fully operational. The US–VISIT Program is something that was first proposed in 1996, an entry/exit system so we know who is coming into the country, who is leaving the country—something very basic, very necessary in terms of enforcement.

Although it was proposed in 1996, it has never come close to being fully operational because Congress, folks in Washington, this administration and previous administrations, have never had the political will to get it done.

So, again, my second-degree amendment to the Durbin DREAM Act amendment is very simple. That cannot go into effect until the US–VISIT system is fully operational at our borders. I will be proposing that amendment assuming the Durbin amendment is, in fact, called up for consideration on the Senate floor.

Mr. President, with that, I yield back my time and 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

LEGISLATIVE QUAGMIRE

Mr. NELSON of Florida. Mr. President, I wish to speak about Iraq and about this amendatory process and this legislative quagmire in which we find ourselves.

The American people are having difficulty understanding why the Senate can't get anything done. It is because we have a rule that says we can't pass something here without 60 votes out of 100 Senators. We need 60 votes to close off debate on a motion for cloture. That is a fancy term for closing the debate. We have to have 60 votes. With a Senate that is so partisan, and so split ideologically, it is hard to get those 60 votes. We see this on the amendments that have already attempted to be brought, either on a motion just to proceed, which takes 60 votes, or a motion to close off debate to get to the subject matter of the amendment. We can't get the votes. Thus, the American people are increasingly frustrated, as are the Senators, that we can't get more unanimity when, in fact, most of us know in this country what has to be done.

Now, what is that? What needs to be done to make the best of a very bad situation? Now, I am not talking about why we got there; that is a debate in itself which we have had innumerable times here on the floor. We are where we are. We are there.

What is the goal? The goal in the best interests of the United States is to stabilize Iraq, but there is not a soul who has testified in any of these innumerable hearings who says that you can get to that goal of stability in Iraq without political reconciliation between the Sunnis and the Shiites. The difficulty there is they have been at it for 1,327 years, ever since the Battle of Karbala in 680 A.D. It is very difficult for them, with all of that history, all of that hatred, to be able to reconcile into some kind of stability so that a government can, in fact, function in Iraq.

So given those circumstances, what is the very best we can do? I can't tell my colleagues that I have the complete answer, but the best answer I have is the plan that was laid out unanimously last December by the Iraq Study Commission consisting of very prominent people who know the defense business and who know the foreign relations business. They unanimously recommended a gradual withdrawal and to keep enough U.S. troops there to do three things: to train the Iraqi Army, to go after al-Qaida, and to provide force protection for the Americans who are there and, at the same time, they said, have a very aggressive diplomatic effort with the other nations of the world, and especially with the nations in the region, including Syria and Iran, to try to get a political settlement and then to have that political settlement stick.

Now, what should that political settlement be? Well, I am not sure anybody within the U.S. Government can tell us, but the best plan I know of is going to be offered by the Senator from Delaware, Mr. BIDEN, which is to have a shared power arrangement under the Iraqi Constitution of an autonomous region—three in Iraq—with the Kurds in the north, Sunnis in the center, and Shiites in the south. Now, no one has been able to come up with a better idea as to how we can have a political solution where we ultimately get to the goal of political stability with reconciliation between Sunnis and Shiites.

Part of it is functioning right now in the north of Iraq. The Kurds virtually have their own self-government. Isn't it interesting that not one American troop has been killed in that region called Kurdistan? They have a measure of stability there. They have their own self-government. Isn't it interesting—in an area almost exclusively Sunnis in western Iraq called Al Anbar Province is where our surge with the marines has, in fact, helped because it has turned the Sunni tribal chieftains into helping us to go after al-Qaida. We have had success.

Where we have not had success with the surge is in the center part, in the Baghdad region, where the Sunnis and the Shiites are going at each other. Thus, what is happening is they are voting with their feet as they are voluntarily separating, since they can't get along.

I think a solution such as Senator BIDEN's, which he will offer as an amendment and which I will support, is the best that has come up where there would be three autonomous regions. Then there would be the national government that would represent the country in its foreign relations but at the same time would have the ability, under an Iraq oil law, to distribute the oil revenues according to the percentage of the population. I don't know anybody who has a better plan. If they do, I want to hear it.

But what we need to do is to come together, Republicans and Democrats together, and get over this threshold that has us in a political and legislative and procedural straitjacket, that we can't get anything done in this Senate because we can't get 60 votes because we can't get Democrats and Republicans together to start charting the course. It is clear that the White House isn't going to do it. They have their mindset and what they want to do, but that is not ultimately going to get us to the solution. Even General Petraeus has recommended—or has testified that a year from now, we are still likely to have 140,000 troops there, with no plan of any of this political success, even though everybody who testified says

you have to get political reconciliation in order to have that political success.

Come on, Democratic Senators. Come on, Republican Senators. Let's get together. The amendment from Senator BIDEN is one we can get together on.

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

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

CHILDREN'S HEALTH CARE

Ms. STABENOW. Mr. President, I know we are in the middle of working on a very important bill, but I do wish to take a moment to respond to a press conference the President just held where he spoke about his intent to veto the bipartisan children's health care bill we will be sending to him.

It is very important we indicate that just because the President has a bully pulpit does not mean he is accurate or right. It does not matter how much spin they want to put on this situation, the reality is the President of the United States gave us a budget earlier this year—and the Budget Committee looked at this very carefully—this President proposed a budget that would cut, according to CBO, 1.6 million children from health care, current children. So when I hear the President at a press conference talking about the fact that he wants to make sure children are covered with health insurance, actions speak louder than words.

The President asked us to put forward a budget that would cut 1.6 million children of working families who currently have health insurance from their health care. We rejected that request. We looked at the fact that there are from 6 to 7 million children who currently qualify to receive children's health insurance. Again, these are working families, folks who do not qualify for low-income help. They are moms and dads working one, two, maybe three minimum wage jobs, who are desperately concerned that at least their children have the health care they need.

I am very proud the Senate came together and in a true bipartisan effort developed a health care program, an expansion that will not only make sure every child who currently has health insurance will keep that health care, but that 4 million more children will be able to have health care in this country. Their moms and dads will not have to go to bed at night praying: Please don't let the kids get sick.

Sixty-eight Members of this Senate, not counting the fact that Senator JOHNSON who is now back with us would make that 69 Members, voted together in true bipartisanship to say that one of the basic values of this country is to make sure the children of working families have the opportunity to get the health care they need. It is pretty basic. This is a matter of values and priorities.

Later today, in a few moments, I am going to be joining with Families USA to announce their new study that says that 90 million Americans sometime in the last 2 years did not have health insurance. One out of three Americans sometime in the last 2 years did not have health insurance. This is a national tragedy. And for us not to at least focus on children, at least say our value as Americans is to make sure that children of low-income working families get the basic health care they need, to me is something I find incredibly important and appalling, quite frankly, that the President of the United States says on the one hand he will veto a bipartisan bill to expand health care coverage to children of working families and then have—I hate to say what I was going to say—the amazing position to come to us shortly and to ask somewhere up to another $200 billion for the war in Iraq that the majority of Americans want to see changed.

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

Ms. STABENOW. I would be happy to.

Mr. DURBIN. First, Mr. President, I wish to thank the Senator from Michigan for making this statement on the floor of the Senate. I listened to the news reports this morning and heard that some from the White House said they did not believe we should be helping to pay for health insurance for families who are well off, such as families making $60,000 a year. That was the reference that was made.

The Senator from Michigan, I am sure, is aware that health insurance premiums—assuming the whole family is healthy—could, in some circumstances, cost a family thousands of dollars each year. If their gross income is $60,000, and they are trying to get by with $3,000 or $4,000 a month, an $800 health insurance bill for a healthy family, let alone $1,200 or more for a family with a sick child, it is hard for me to understand how the White House could say a family making $60,000 a year is so well off they would not need help in providing health insurance to their children.

I suggest to the Senator from Michigan that the President's position here seems to me to be inconsistent, in that he is willing to provide tax cuts for the wealthiest people in America and then is saying folks who make $60,000 a year are well off and don't need a helping hand when it comes to their children's health insurance. So in addition to the cost of the war in Iraq, I ask the Senator from Michigan, isn't it a little difficult to understand the President's position of giving tax breaks to the wealthy and not giving working families making $60,000 a year a helping hand with their health insurance for kids?

Ms. STABENOW. Well, my distinguished colleague is absolutely correct, and I thank him for his comments.

This is truly a question of values and priorities. That is what we are about in this business, in this Chamber, when we make decisions. The President has said the wealthiest among us are much more important than moms and dads, most of whom, by the way, are making much less than what we are talking about or the numbers the White House has put out. Those families ought to be able to, at a minimum, know that their children have health insurance when they get sick.

But what adds insult to injury, I believe, for the American people, is to know that on top of that—on top of tax priorities for the wealthy versus families and their health care—is the fact that on the one hand we have put together something that is responsible, bipartisan, and fully paid for within the budget, and yet the President is going to be sending us a request for anywhere from $150 billion to $200 billion more for a war in Iraq that the American people want to change, a policy that is not supported by the majority of Americans. To add insult to injury, none of it is paid for. It will go directly on to the national debt.

So this is a question of values and priorities. It doesn't matter, again as I said when I began, how much the President wants to spin it. We all know he has a very big megaphone, a very big bully pulpit. But that doesn't mean he is right. The spin machine cannot outweigh what is going on here in terms of American families. We have something that we have done together on a bipartisan basis. We should all be very proud of it. A basic for every single one of our families is the ability to know they can care for their children and they will have the health care they need.

Far too many families today don't get help because they do not have a low enough income. They are working and putting it together. Maybe it is a single mom, maybe it is a single dad, maybe it is mom and dad. They are putting together the income in a way where they can pay all the increased costs that everybody is having to deal with—the gas prices that are going up and the possibility of losing jobs. Certainly in my State wages are going down, and health care costs going up—all of the things that are squeezing our working families. But we are saying, you know what, one of the things we can do together, and we have already done it here and we are going to be sending it to the President, is to allow for 4 million more children to get the health care they need for those moms and dads who are working but not making enough to be able to pay for health insurance.

We, as a country, ought to be able to say we at least want the children to receive the health insurance they need. Health care, in my opinion, should be a

right for the greatest country in the world, not a privilege. Too many things have been given to the privileged in this country while working families are trying hard every day to make ends meet.

So I wish to thank all our colleagues who have worked so hard on this legislation. It is something we can all be very proud of, and I ask the President to take another look. This body together, 68 Members who voted, were not playing politics. We were coming together in a bipartisan way to be able to give more children, American children, the ability to get their health care needs taken care of. It is time we had the President join with us in the right set of priorities for American families.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

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

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

Mr. DURBIN. Mr. President, I thank the Senator from Michigan for coming to the Senate floor. Occasionally, there are debates in this Chamber that really matter. The debate on the war in Iraq certainly leads that list. We have a deadly war underway. A hundred American soldiers are killed, on average, every single month. Almost 4,000 have died, with 30,000 having been injured. At least 10,000 have been seriously injured, with amputations and burns and traumatic brain injury. That should be the focal point of what we do on the floor of the Senate, and it is.

Yesterday, sadly, an important amendment by Senator WEBB of Virginia, an important amendment for soldiers and their families, was defeated, defeated on a vote of 56 to 44. The average person might say: It sounds like you won. Not by Senate math. By Senate math it takes 60 votes on controversial issues, and this required 60, so that wasn't enough. We were defeated in an effort to say something very straightforward: If you are going to ask our soldiers to be deployed in combat, risking their lives for 12 months, you should at least give them 12 months afterward to rest, be reunited with their family, retrained and reequipped, before they go back into combat. So 12 months on duty, 12 months off duty. That was defeated.

If you meet with these soldiers and their families, if you know the stress they are under, if you read the numbers about the divorce rate among our soldiers, the suicide rate, the posttraumatic stress disorder which they are battling as they return from the stress of battles, it is hard to imagine the Senate would not give that kind of consideration to our soldiers and their families. That is a critically important debate.

Now, we will soon move to another very important debate. It is about health insurance. Everybody in America knows there is something that needs to be done on health insurance. There are 47 million of our neighbors in America, people who live with us in our communities and go to church with us, who have no health insurance. In my home State of Illinois, I went back in August in deep southern Illinois, near Harrisburg, in Saline County, and a woman came to me and said: I am 63 years old. I am a realtor. I have never had health insurance 1 day in my life. It is hard to imagine, but that is the reality many working Americans face every single day. They are one diagnosis, one illness away from bankruptcy. Those are the people with no health insurance.

Now, let us speak about those who have health insurance but it isn't good enough; it costs more each year and covers less. We know the story. Businesses tell you, labor unions tell you, families tell you: I don't have the kind of coverage I want, and it costs a fortune. That is the reality.

We also know that in our great Nation there are 15 million children—of the 47 million I mentioned earlier, 15 million are children—with no health insurance. These are kids from families not poor enough to qualify for Medicaid and not fortunate enough to have a parent with a job that has health insurance. There are 15 million kids for whom the only opportunity for health care is a trip to an emergency room.

We wanted to change that 5 years ago, and we passed this CHIP program, Children's Health Insurance Program, and said let us do something about it. So we covered 6 million of the 15 million kids, but now the program is going to expire in a few days. Our hope with this new Congress was we could expand health insurance to cover more children, at least 3 million more. We want to make sure all 15 million are covered, but we are not going to quite reach that goal. We want to at least get closer, with 9 million covered.

We had a bipartisan agreement to do that. The Senate came together, cooperated, compromised, and reached an agreement to expand health insurance protection to another 3 million kids. This morning, the President of the United States had a press availability and announced he would oppose this bill expanding health insurance for children. At the time, the spokesman for his administration said: We don't want to give health insurance to families who are well off. They defined a family that is well off as one that makes $60,000 a year.

Now, I have to tell you, $60,000 is more than the average wage in my hometown of Springfield, IL, but not by much. And $60,000 a year, after you pay your taxes, doesn't leave a lot of money for your mortgage payment, for your utility bills, for your property taxes, and for the kids' school expenses. If you happen to not have health insurance where you work, $60,000 doesn't leave much of a cushion to turn around and buy health insurance. That insurance is going to cost you $60 or $80, maybe $1,000 or more a month.

We think those families, with kids who don't have health insurance, making $60,000, deserve a helping hand so they can at least have the security of health insurance and know their kids are covered. But it is going to be a battle. We are going to pass this bill and send it to the President. He is going to veto this bill—at least he promises to. I hope he reconsiders. But if not, we will then get a chance to override his veto.

This is the kind of debate which matters. For millions of Americans and their families, this debate gets down to one of the real issues that keep parents awake at night, worrying about their kids.

Some of us in our lives have been through this experience. I was a law student when my wife and I had a little baby and were without health insurance. We had some medical issues with our baby. I didn't have health insurance to turn to. That happened many years ago. My daughter is now 40 years old. But let me tell you, I will never forget it. There was a sinking feeling that my girl was not going to get the best doctor and the best care because, as a father, I didn't have health insurance to cover her. It was only for a short period in my life, but I will never forget it. I can't imagine people living with that feeling every day, every week, every month, and every year. Shouldn't we, as a great and giving nation, care about our own first?

This President will not even blink when he sends us a bill in a week or so asking for $198 billion more for the war in Iraq—$198 billion. Yet he is unwilling to spend $6 billion for health insurance for children. That is about what it is each year over a 5-year period of time. He will spend $198 billion for the war in Iraq but not $6 billion to make America stronger, to make America's families stronger.

This is a debate worth waging. This is an issue worth fighting for. This Senate will return to that issue in a week or two, and I hope the American people, on a bipartisan basis, as this bill is bipartisan, will join us in urging the Senate to pass the bill and to override the President's veto.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

Warner (for Graham/Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Cornyn amendment No. 2934 (to amendment No. 2011), to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and the integrity of General Petraeus and all the members of the United States Armed forces.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator BOXER offers an amendment related to the subject matter of the pending Cornyn amendment, the Boxer and Cornyn amendments be debated concurrently for 20 minutes, with the time equally divided and controlled between Senators BOXER and CORNYN or their designees; that no amendments be in order to either amendment; that upon the use or yielding back of time the Senate proceed to vote in relation to the Boxer amendment; that upon disposition of that amendment there be 2 minutes of debate prior to a vote in relation to the Cornyn amendment; that each amendment be subject to a 60-vote threshold, and if the amendment does not achieve 60 votes, the amendment then be withdrawn, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I wonder if my friend would modify that to have the second vote for 10 minutes rather than 15 minutes?

Mr. LEVIN. I so modify the request.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. MCCAIN. Reserving the right to object, and I will not object, I think the distinguished chairman and I have had a conversation that, following that, for the benefit of our colleagues, we would move to the Feingold amendment and with it we will seek a time agreement. Then with the cooperation of our colleagues, we will at least try as much as possible to dispose of Iraq amendments today, if we could.

I remind my colleagues we still have the basis of this bill, which has Wounded Warriors, pay raises, housing, training, and equipping of the men and women of the Armed Forces. We do have a number of pending amendments on the bill. I think, in fairness, we should try to dispose of the Iraq issue as soon as possible so we could move on to the rest of the bill and pass it so we can get to conference and get it signed. There are vital parts of this bill on which the chairman and members of the Armed Services Committee have worked literally months, and I hope we could get to that aspect of the legislation as well.

Mr. LEVIN. If the Senator will yield for a moment, on that point I agree totally with what he just said about the importance of this bill. We are circulating a request to our Members on this side that no amendments be in order to this bill—that no amendments be filed after a certain point this afternoon, which I believe we have tried to identify as 3 o'clock. I don't know, I didn't have a chance to talk with my friend from Arizona about that, but hopefully on your side something similar could be hot-lined so we could bring this to an end.

We have literally 250 amendments already. We have disposed of a lot. We disposed of 50. We can dispose of more today at some point, but we can't have more amendments coming in than we are able to work out.

I hope on both sides we can get a unanimous consent agreement that no amendments will be in order to this bill in the first degree if they are filed later than a fixed time this afternoon.

The PRESIDING OFFICER. Is there objection to the initial unanimous consent request, as modified, by the senior Senator from Michigan?

Without objection, it is so ordered.

Who yields time? The Senator from California is recognized.

AMENDMENT NO. 2947 TO AMENDMENT NO. 2011

(Purpose: To affirm strong support for all the men and women of the United States Armed Forces and to strongly condemn attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization)

Mrs. BOXER. Mr. President, I call up amendment No. 2947 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEVIN, and Mr. DURBIN, proposes an amendment numbered 2947:

At the end of subtitle E of title X, add the following:

SEC. __ SENSE OF SENATE

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces and our veterans deserve to be supported, honored, and defended when their patriotism is attacked;

(2) In 2002, a Senator from Georgia who is a Vietnam veteran, triple amputee, and the recipient of a Silver Star and Bronze Star, had his courage and patriotism attacked in an advertisement in which he was visually linked to Osama bin Laden and Saddam Hussein;

(3) This attack was aptly described by a Senator and Vietnam veteran as ''reprehensible'';

(4) In 2004, a Senator from Massachusetts who is a Vietnam veteran and the recipient of a Silver Star, Bronze Star with Combat V, and three Purple Hearts, was personally attacked and accused of dishonoring his country;

(5) This attack was aptly described by a Senator and Vietnam veteran as ''dishonest and dishonorable.''

(6) On September 10, 2007, an advertisement in the New York Times was an unwarranted personal attack on General Petraeus, who is honorably leading our Armed Forces in Iraq and carrying out the mission assigned to him by the President of the United States; and

(7) Such personal attacks on those with distinguished military service to our nation have become all too frequent.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its strong support for all of the men and women of the United States Armed Forces; and

(2) to strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the clerk for reading those words. I hope Members of the Senate heard them well because in this amendment, what we are doing is saying that there is essentially a terrible trend in America today: to launch attacks on honorable people who serve in the military. By the way, it isn't just folks who were mentioned or alluded to. I have an article I would like to have printed in the RECORD from the San Diego Union Tribune, April 16, 2004, and another from the Seattle Times of May 13, 2007.

I ask unanimous consent to have two articles printed in the RECORD.

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

[From the San Diego Union Tribune, Apr. 16, 2004]

RETIRED GENERAL ASSAILS U.S. POLICY ON IRAQ

(By Rick Rogers)

Retired Marine Gen. Anthony Zinni wondered aloud yesterday how Defense Secretary Donald Rumsfeld could be caught off guard by the chaos in Iraq that has killed nearly 100 Americans in recent weeks and led to his announcement that 20,000 U.S. troops would be staying there instead of returning home as planned.

''I'm surprised that he is surprised because there was a lot of us who were telling him that it was going to be thus,'' said Zinni, a Marine for 39 years and the former commander of the U.S. Central Command. ''Anyone could know the problems they were going to see. How could they not?''

At a Pentagon news briefing yesterday, Rumsfeld said he could not have estimated how many troops would be killed in the past week.

Zinni made his comments during an interview with The San Diego Union-Tribune before giving a speech last night at the University of San Diego's Joan B. Kroc Institute for Peace & Justice as part of its distinguished lecturer series.

For years Zinni said he cautioned U.S. officials that an Iraq without Saddam Hussein would likely be more dangerous to U.S. interests than one with him because of the ethnic and religious clashes that would be unleashed.

''I think that some heads should roll over Iraq,'' Zinni said. ''I think the president got some bad advice.''

Known as the ''Warrior Diplomat,'' Zinni is not a peace activist by nature or training, having led troops in Vietnam, commanded rescue operations in Somalia and directed strikes against Iraq and al Qaeda.

He once commanded the 1st Marine Expeditionary Force at Camp Pendleton.

Out of uniform, Zinni was a troubleshooter for the U.S. government in Africa, Asia and Europe and served as special envoy to the Middle East under the Bush administration for a time before his reservations over the Iraq war and its aftermath caused him to resign and oppose it.

Not even Zinni's resumé could shield him from the accusations that followed.

''I've been called a traitor and a turncoat for mentioning these things,'' said Zinni, 60. The problems in Iraq are being caused, he said, by poor planning and shortsightedness, such as disbanding the Iraqi army and being unable to provide security.

Zinni said the United States must now rely on the U.N. to pull its ''chestnuts out of the fire in Iraq.''

''We're betting on the U.N., who we blew off and ridiculed during the run-up to the war,'' Zinni said. ''Now we're back with hat in hand. It would be funny if not for the lives lost.''

Several things have to happen to get Iraq back on course, whether the U.N. decides to step in or not, Zinni said.

Improving security for American forces and the Iraqi people is at the top of the list followed closely by helping the working class with economic projects.

But it's not the lack of a comprehensive American plan for Iraq nor the surging violence that has cost allied troops their lives—including about 30 Camp Pendleton Marines—that most concerns Zinni.

''In the end, the Iraqis themselves have to want to rebuild their country more than we do,'' Zinni said. ''But I don't see that right now. I see us doing everything.

''I spent two years in Vietnam, and I've seen this movie before,'' he said. ''They have to be willing to do more or else it is never going to work.''

Last night at the Kroc institute during his speech ''From the Battlefield to the Negotiating Table: Preventing Deadly Conflict,'' Zinni detailed the approach he believes the United States should take in the Middle East.

He told an overflow crowd that the United States tries to grapple with individual issues in Middle East instead of seeing them as elements of a broader question.

''We need to step back and get a grand strategy,'' he said.

[From the Seattle Times, May 13, 2007]

RETIRED GEN. BATISTE LASHES OUT ON WAR

(By Thom Shanker)

ROCHESTER, NY.—John Batiste has traveled a long way in four years, from commanding the 1st Infantry Division in Iraq to quitting the Army after 31 years in uniform, and, now, from overseeing a steel factory in Rochester to openly challenging President Bush on his management of the war.

''Mr. President, you did not listen,'' Batiste says in new TV ads being broadcast in Republican congressional districts as part of a $500,000 campaign financed by *Vote Vets.org*. ''You continue to pursue a failed strategy that is breaking our great Army and Marine Corps. I left the Army in protest in order to speak out. Mr. President, you have placed our nation in peril.''

Those are inflammatory words from Batiste, a retired major general.

Many senior officers say privately that such talk makes them uncomfortable; they say that when your first name becomes ''General,'' it is for the rest of your life. But Batiste says he has received no communications from current or former officers challenging his stance, although he occasionally gets an anonymous e-mail with the heading ''Traitor.''

Having quit the Army in anger over what he calls mismanagement of the Iraq war, he says he chose a second career far from Washington and the Pentagon so he could speak freely on military issues.

''I am outraged, as are the majority of Americans,'' he said. ''I am a lifelong Republican. But it is past time for change.''

Officials of VoteVets.org, an Internet-based veterans advocacy organization, say the TV ads, which challenge the president's argument that he listens to his commanders and say his Iraq policies endanger U.S. security, will run in the home districts of more than a dozen members of Congress.

Two other retired generals, Paul Eaton and Wesley Clark, speak in the VoteVets.org campaign's other ads.

In response, White House spokeswoman Emily Lawrimore said: ''We respectfully disagree.'' She said Bush confers routinely with senior officers, citing a meeting Thursday with the Joint Chiefs of Staff and a conversation last week with Gen. David Petraeus, the senior U.S. commander in Iraq.

Mrs. BOXER. This is one where General Zinni, who criticized the war in Iraq, said, ''I have been called a traitor and a turncoat for mentioning these things.'' Outrageous—because he spoke out against the war in Iraq.

Then you have retired General Batiste, who lashed out on the war and says he gets e-mails with the heading, ''Traitor.''

My friend from Texas is taking one example, attacking an organization that he doesn't agree with—I am sure of that—and we are going to be pretty busy in the Senate if we turn into the ad police. When Senator Cleland was attacked we didn't have a resolution on the floor of the Senate. When Senator KERRY was attacked we didn't do it. When General Batiste was attacked we didn't do it. For General Zinni we didn't do it. We did speak out, and we did speak out about the ad, all of us on both sides of the aisle, that attacked General Petraeus. But we didn't have a resolution all these times.

Suddenly, now, a political organization is attacked by name in a resolution in something that reminds me of the old, bad days in America when organizations were attacked by the Government. So what we have done is we have written this. I thank Senators LEVIN and REID and DURBIN and other Senators who believe what we see is a trend to attack heroes. We say it is wrong. We don't go after one organization. We say it is wrong.

Let me show you the Max Cleland ad. We have the picture of Max Cleland in the same ad with Osama bin Laden and Saddam Hussein.

This is what Senator MCCAIN had to say about that ad. Here is what he said:

I've never seen anything like that ad. . . .Putting pictures of Saddam Hussein and Osama bin Laden next to a man who lost three limbs on the battlefield, it's worse than disgraceful, it's reprehensible.

But we didn't come down and pass a resolution attacking the campaign that ran this ad. But now we have an attack on one organization. It is wrong. It should be defeated. This amendment I have offered is the one that ought to pass this Chamber.

I yield to Senator DURBIN my remaining time.

The PRESIDING OFFICER. The Senator from California has 6 minutes remaining.

Mr. DURBIN. I would like to be notified when I have spoken for 2 minutes and leave the remaining time under the control of Senator BOXER.

This is a balanced amendment that Senator BOXER, Senator LEVIN, and I have offered to this bill. I am not sure this is a debate in which we ought to engage on a regular basis, but Senator CORNYN has the right to raise this issue, and he has raised it.

The point we want to make is this: The Cornyn amendment focuses on one organization and one attack on an honorable, patriotic leader of our military, General Petraeus. If this resolution that he offers would be fair, it would also take into consideration the situations that we have raised in our amendment with Senator BOXER.

I asked Senator CORNYN last night: Will you amend your resolution so other attacks—unwarranted, disgraceful attacks—on the military can be included? And I gave him two examples, and he said no because those were involved in a political campaign.

I am sorry, but that isn't good enough. If the principle is sound, it is sound whether it is in the course of a political campaign or not. If we are going to stand up for the honor, integrity, and patriotism of those who serve our country in uniform, let's do it without partisan favor and certainly not arguing that a political campaign is somehow fair game to say anything about anybody. That is what is wrong with American politics, and that is what has to change.

The Boxer amendment, which I am honored to cosponsor, changes it. I think the examples we have cited in this amendment include not only the MoveOn ad, which has been dismissed and criticized by many on both sides of the aisle, but also goes to the so-called Swift Boat Veterans for Truth out of Texas, an organization that attacked our colleague, Senator JOHN KERRY, in what I think was one of the lowest moments in Presidential politics. It goes to the attacks on Senator Max Cleland, a man who used to sit in a wheelchair, having lost three limbs in Vietnam, a disabled veteran struggling to be a Senator from Georgia whose patriotism and courage were attacked in a political ad—something which I am sure is going to remain a shameful chapter in American politics.

Those who want to join in standing up for men and women in uniform, past and present, have a chance to do it with the Boxer amendment. I am honored to be a cosponsor.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I join my colleagues in decrying the tone of modern politics where there are all too many personal attacks. But what they fail to recognize is those who volunteer to put ourselves up for public office, to run for public office, we know what we are going to be subjected to in the back and forth of a political campaign. What this amendment seeks to do, what the Boxer amendment seeks to do, is to change the subject. The subject is this ad. The subject of my amendment is this ad put in the New York Times on September 9, 2007, attacking a four-star general wearing the uniform of the U.S. Army, the Commander of the Multi-National Forces in Iraq—not only this individual, but everyone under his command, 170,000, approximately, members of the U.S. military.

What does it accuse him of? Cooking the books for the White House. The ad asks: Is it General Petraeus or General Betray Us? My friends on the other side of the aisle want to change the subject. They do not want to confront organizations such as MoveOn.org, which have the right to express their view thanks to the first amendment of the Constitution, thanks to people like General Petraeus and the brave men and women of the U.S. military who protect moveOn.Org's right to have its say. But we ought to have our say, too, and to condemn, in the strongest possible words and by our actions, this kind of irresponsible ad. It is clear, according to the New York Times Magazine of September 9, this was a part of an orchestrated effort, both on the Hill and off the Hill, to disparage this general before he even had a chance to make his report to the Congress.

The Boxer amendment, with all due respect, is an effort to change the subject, is a smokescreen to try to distract colleagues on the floor from holding MoveOn.org and those who would slander and by character assassination attack the reputation of leaders of the U.S. military who are doing nothing more than their duty and what the Commander in Chief and this Congress asks them to do. This is an attempt to excuse this kind of conduct by trying to change the subject. I would urge my colleagues to reject it.

Frankly, if colleagues are going to vote against my amendment, it will be tantamount to saying this kind of character assassination is okay. It is my hope that on a bipartisan basis we would rise up and we would say it is not okay, it is unacceptable.

If, in fact, there are colleagues who think the amendment offered by my distinguished colleague from California is going to be a fig leaf, well, I tell you, it is not big enough, as most fig leaves are, to cover up the shame that will be on this body if we see colleagues vote against—basically vote for this kind of irresponsible ad.

There is a difference in kind, and I hope colleagues would, on calm reflection, recognize the differences between those of us who run for public office and hold public office, and while we may all decry the kinds of personal attacks that have become all too common in political campaigns, it is a difference in kind for MoveOn.org and those who support them to make personal attacks against a four star general in the U.S. military commanding 170,000 American military servicemembers in a war zone in Iraq.

It is my hope that colleagues would vote unanimously for the amendment which I have offered and reject the Boxer amendment as an attempt to change the subject and obscure the fact that this shameful ad is out there without the disapproval, so far, of this body.

I think we all recognize that political campaigns are different. We do not necessarily like them, but we are all volunteers, and we volunteer to subject ourselves, unfortunately, to the tone of modern political campaigns today. I wish we could change it, and if there was a way to do so, I would support that effort. But I do not support the Boxer amendment because it fails to recognize the key distinction between those who are public figures by choice and those who are public figures by duty, people such as General Petraeus. It is a shame that we have not been able to get a vote yet on this amendment, but I am glad we will here in the next few minutes. I encourage my colleagues to vote in favor of my amendment on this character assassination against this good man and to vote against the Boxer amendment for the reasons I mentioned.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I might say that my friend and colleague—maybe he didn't read the Boxer amendment because we specifically pointed to the Petraeus ad, and we say, in fact, that it was an unwarranted personal attack. I will just tell you right now, if my colleague wants to vote no on all such attacks, whether it is against General Batiste or Zinni, then vote no on the Boxer amendment. If you want to vote no on the amendment that says two things here—we reaffirm our strong support for all the men and women in the U.S. Armed Forces, and we strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving as or has honorably served in the U.S. Armed Forces by any person or organization—if my friend wants to vote against this, then so be it because just to attack one organization and not look at the larger problem of what is happening out there in our country seems to me a political vendetta and nothing more.

Mr. President, I yield the remainder of my time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes remaining.

Mr. LEVIN. I wish to join with Senator BOXER in saying that there is no way I know of that one can justify or rationalize the attacks on Senator Cleland or on Senator KERRY. You can't, I believe, do that by saying: Oh, no, they are in a political campaign; therefore, we can impugn their service because they run for office. To say it is different to impugn the honor of veterans such as Senator Cleland and Senator KERRY, it seems to me, is totally unacceptable. It is an effort to justify, differentiate, rationalize attacks which I consider to be abhorrent, just as I do the attack on General Petraeus, and I have said so very publicly. And this amendment, the Boxer amendment, makes it very clear that attacks on men and women who have worn the uniform honorably, attacking their service, their patriotism—this was not an attack on Senator Cleland's politics; this was an attack on his patriotism. Aligning him with Osama bin Laden in an ad is an attack on his patriotism. You can't just single out one attack which you dislike—and we all do, I hope; I hope we all condemn the ad in the New York Times. I have personally, and I feel very personal about it. I thought it was a disgraceful ad. But you can't just then say: But we are not going to talk about other attacks on men and women who have put their lives on the line, given up parts of their body, because they decide to run for public office.

No, I am afraid the Cornyn amendment is the effort to justify and rationalize something which cannot be justified or rationalized just because a veteran who has served honorably, put his life on the line, decides to run for public office. They are all disgraceful ads, and we ought to treat them the same way. They impugn the honor, integrity, and patriotism of real heroes.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CORNYN. Mr. President, I offered this resolution on the Transportation, Housing and Urban Development appropriations bill about 10 days ago, and it was objected to at that time, so that is the reason I am back again today and yesterday. It took until today for our colleagues on the other side of the aisle to come up with some reason not to support this amendment which condemns this ad against this four star general who wears the uniform of the U.S. Army and commands 170,000 soldiers currently serving in harm's way in Iraq.

There is too much venom and too much poison in the political arena today. I do not like it any more than my colleagues on the other side. But we have a tradition in this country of, after the campaigns are over, trying to work together in the best interests of the American people. That is what we all try to do despite our differences, despite our party affiliation. But I would think we ought to rise up unanimously and condemn this character assassination of General Petraeus. And the fact

that political campaigns in 2002 and 2004 involved ads that I think we all would find over the line as far as the political discourse in a contested election should not detract from or dilute our condemnation of this particular ad.

You know, there is an unfortunate trend in our society today by people refusing to take personal responsibility for their conduct by saying: Well, we ought to condemn everybody, as if we should not condemn those individuals and those organizations which have clearly crossed the line in this case by saying: Well, we have to condemn everybody.

Well, I think this is the place to start, by condemning this ad, this irresponsible ad run in the New York Times at a discount by that organization, by that business entity, in favor of MoveOn.org, for the kind of ad I would hope we would unanimously condemn. Rather than relitigating political campaigns in the past, my hope is we would vote for this amendment and vote against the Boxer amendment.

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

I ask the Senator from Texas, I was down here yesterday spending quite a bit of time on this particular issue. I was not aware the Senator from California was going to come in with her amendment. I assume the first vote we have is going to be on the Boxer amendment; is that correct?

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. INHOFE. Well, let me just suggest to you, I think if the defining moment—if you really agreed with what MoveOn.org did and what they said and how they demeaned one of the finest officers in the history of this country—the guy has a Ph.D. from Princeton; he is not just a normal person. The guy was unanimously agreed to and supported by the group here to go and do this work and take over the war in Iraq. This is the right guy for the right time. Huge successes are taking place.

I listened with some interest this morning to the House Foreign Relations subcommittee proceedings yesterday, and the very people who were complaining that General Petraeus consulted with the White House to come up with his information are now saying he should have consulted with White House and did not do it. You can't have it both ways.

I would just say this: The vote we are about to take is not a vote on an amendment by Senator BOXER; it is a vote as to whether you agree with MoveOn.org coming in and saying the things they have articulated about one of our top military leaders. That is what the vote is all about.

I urge everyone to oppose the Boxer amendment.

The PRESIDING OFFICER. The Senator from Texas has 15 seconds remaining.

Mr. CORNYN. Mr. President, when General Petraeus was confirmed, the majority leader called him a great man. My colleague from California referred to him as an amazing man, saying: Of course I listen to General Petraeus.

The Senator from Delaware said: I do not know anyone better than Petraeus. This is the thanks he gets after 9 months of service in Iraq.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Colorado (Mr. ALLARD).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—50

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Bayh	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Mikulski	Wyden
Hagel	Murray	

NAYS—47

Alexander	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Feingold	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

NOT VOTING—3

Allard	Biden	Cantwell

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

CHANGE OF VOTE

Mr. STEVENS. Mr. President, on rollcall No. 343, I voted ''yea.'' I intended to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote. This will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2934

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior a vote in relation the amendment No. 2934, offered by the Senator from Texas.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I would like to proceed for a few minutes on my leader time.

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

Mr. MCCONNELL. Mr. President, it has been more than a week since the junior Senator from Texas offered an amendment condemning an ad by MoveOn.org that appeared last Monday in the New York Times.

The ad was, by any standard—by any standard—abhorrent. It accused a four-star general, who has the trust and respect of 160,000 men and women in Iraq, of betraying that mission and those troops, of lying to them and to us.

Who would have ever expected anybody would go after a general in the field at a time of war, launch a smear campaign against a man we have entrusted with our mission in Iraq?

Any group that does this sort of thing ought to be condemned.

Let's take sides: General Petraeus or MoveOn.org. Which one are we going to believe? Which one are we going to condemn? That is the choice.

MoveOn says he is a traitor. If we believe that, we should condemn him. If we do not believe that, then we ought to be condemning them, not him.

Now, here is what we know about this group. I will bet you a lot of our Democratic colleagues do not know everything MoveOn is for. I think you probably know they try to come to your aid from time to time, but I bet you do not know everything they advocate.

In the days after the terrorist attacks of September 11, it urged—MoveOn.org urged—a pacifist response to al-Qaida.

They rejected the idea that governments should be held responsible for terrorists such as al-Qaida who operate within their borders.

This is the group that called defeating the PATRIOT Act ''a success story,'' the group that ran an ad on its Web site equating the President to Adolf Hitler, the group that thinks organizations such as the U.N. will rid the world of al-Qaida.

That is MoveOn.org. This is what we are dealing with. I cannot believe those are the views of a vast majority of my friends and colleagues on the other side of the aisle.

Now, what do we know about General Petraeus? Commander of the Multi-National Force-Iraq; been in Iraq for about 4 years; literally wrote the U.S. counterinsurgency manual; commanded the 101st Airborne Division

during the first year of Operation Iraqi Freedom; Assistant Chief of Staff for Operations of the NATO Stabilization Force and Deputy Commander of the U.S. Joint Interagency Counter-Terrorism Task Force in Bosnia; Assistant Division Commander for Operations of the 82nd Airborne Division at Fort Bragg; West Point; aide to the Chief of Staff of the Army; battalion, brigade, and division operations officer; Assistant to the Supreme Allied Commander-Europe; Distinguished Service Medal; Defense Superior Service Medal; Legion of Merit; Bronze Medal for Valor; NATO Meritorious Service Medal; one of America's 25 Best Leaders, according to US News & World Report; and a four-star general of the Army.

That is what we know about General Petraeus.

Here is what our friends on the other side of the aisle said about General Petraeus when they confirmed him back in January.

The junior Senator from California called him ''an amazing man.''

The chairman of the Foreign Relations Committee, the senior Senator from Delaware, said: ''I don't know anybody better than Petraeus.''

The senior Senator from Massachusetts said he is ''an outstanding military officer, and our soldiers really deserve the best, and I think they're getting it with your service,'' referring to General Petraeus.

The chairman of the Armed Services Committee, the senior Senator from Michigan, said: ''General Petraeus is widely recognized for the depth and breadth of his education, training, and operational experience.''

They praised him up and down in January, confirmed him unanimously, funded his mission, and sent him the troops.

So now is the time to be heard. Is it right to call General Petraeus a traitor or not? That is what this vote is about. Is it right to call General Petraeus a traitor or not?

This group, MoveOn.org, is crowing all over the papers. They say they have my colleagues on the other side of the aisle on a leash. They brag about it. Their executive director has said, referring to the party on the other side of the aisle, they are ''Our party.'' MoveOn.org says: ''we bought it, we own it, and we're going to take it back.'' That is MoveOn.org saying that about our friends on the other side of the aisle.

They claim to be in constant contact with people on the other side of the aisle. I do not believe this group is telling all these great Senators on the other side of the aisle what to do. I do not believe that. This is an opportunity to demonstrate it.

So this amendment gives our colleagues a chance to distance themselves from these despicable tactics, distance themselves from the notion that some group literally has them on a leash, akin to a puppet on a string.

It is time to take a stand—not to dredge up political battles of the past but to condemn this ad.

What about this ad should not be condemned? Is there anything about this ad that should not be condemned?

I urge my colleagues to stand with General Petraeus and against this ad.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader is recognized.

Mr. REID. Mr. President, the only thing my friend left off regarding General Petraeus, he also has a Ph.D. from Princeton. He is a man we all have great regard for. I think no one disputes that General Petraeus is a good soldier. He follows orders, and that is what soldiers are supposed to do, even a general. This general follows the orders of the Commander in Chief, and that is the way it should be.

This is not the Petraeus war. It is the Bush war. I would say my friend from Kentucky, my dear friend, my counterpart, is talking about an organization that has more than 3 million members. I do not know what any one of them may have said at any given time. I certainly cannot support everything they say, that is for sure.

But understand, the amendment that was offered by my friend, Senator BOXER, is very clear. It says the September 10, 2007, advertisement in the New York Times ''was an unwarranted personal attack on General Petraeus.'' That is what it says. We just voted on that. I cannot imagine why some of my colleagues on the other side voted against this. That is what it says. One reason, maybe it brought up some things from the past, the recent past, such as yesterday.

For a party that endorsed longer troop time in Iraq for our soldiers; that is, our people who are serving us so valiantly in Iraq cannot stay home for the same amount of time they go over there—that is what this party voted against. They voted in favor of second and third and fourth tours of duty for these young men and women.

We condemn all attacks on our valiant soldiers. That is what the amendment we voted on said. I read what it says about the ad. We don't support that ad. We clearly voted accordingly.

But we also said we should remember—as I hope we remember the vote yesterday endorsing longer tours for our soldiers—I hope we also remember what happened to Max Cleland, a man who lost three limbs. Every day of his life, including today, he wakes up and spends 2 hours getting dressed. He dresses himself. He does his exercise, running on a mattress, with his stumps. He was decorated for heroism. But he wasn't patriotic enough to serve in the Senate, according to people who are in this Chamber. They ran ads against Max Cleland. JOHN KERRY: Two Silver Stars, two Purple Hearts. Did I hear my friends complaining about these vicious ads against JOHN KERRY when he was running for President? Not a single murmur. Some were cheering on the Swift Boat demons.

So as we say in this resolution, we do not support any unwarranted attack on General Petraeus or any other of our military members. But what we want to do here is talk about the war—the war. The policy is bad. We will soon be starting the sixth year of this war, costing this country right now about three-quarters of a trillion dollars, and we are fighting for pennies for children's health, pennies for doing things about the environment, and education. The President is complaining because what we want to do in our appropriations bills is $21 billion over this magic number he came up with, $21 billion in an approximately $1 trillion bill, ultimately how much it will be for taking care of things the Government wants. But we are going to have in a few days another supplemental appropriations bill for Iraq approaching about two hundred billion more dollars.

The American people are fed up with this. No one over here endorses the ad that was in that newspaper. None of us do. But we want to talk about the war. They want to talk about an ad in a newspaper. None of us in any way criticized General Petraeus. He is a soldier. He is following a policy set by the Commander in Chief. But that doesn't take away from the problems the American people feel are as a result of this war: death, injury to men and women. So I hope—we are on the Defense authorization bill—we can proceed on the Defense authorization bill, complete this legislation, have civil debate on Iraq policy, and we hope to do that. I say respectfully to my friends, focus on the policy of this war, not on an ad we had nothing to do with.

The PRESIDING OFFICER. Who yields time?

Mr. REID. If we have time left, I yield it back, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. Mr. President, could I ask what the parliamentary situation is? I thought Senator CORNYN was going to have an amendment and I was going to have an amendment this morning. Is that accurate?

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2934 offered by the Senator from Texas, Mr. CORNYN.

Is there a sufficient second?

At the moment, there is not a sufficient second.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, this amendment is about the difference between a uniformed leader of our U.S. military, GEN David Petraeus, the difference between him and a political candidate. Surely our colleagues—all of us in the Chamber understand, having run for office ourselves, that there

are things said in political campaigns which many of us regret. But our focus should not be distracted from this character assassination against a great American patriot. I can't believe any Member of this Senate would vote against this amendment which condemns this character assassination and by their vote against this amendment would say it is OK.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, JOHN KERRY and Max Cleland are great heroes. My colleagues on the other side voted not to condemn the attacks against them, even though the Senator from Arizona did so, and I have the chart of what he said.

This is about politics, let's face it. Since when are we the ad police who go after organizations by name and wave around their name? What are we going to do next when there is a health care debate? Are we going to condemn one organization on one side and one on the other, or are we going to do it on choice and hold up some very tough ads that we see running all over this country? I would hope not.

This is the United States of America. We condemn all attacks against our men and women serving honorably in the military, not just one organization. We condemn all the attacks. I hope our colleagues will vote ''no.'' Otherwise, we are starting a terrible precedent around here we will regret.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 2934. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—72

Alexander	Corker	Johnson
Allard	Cornyn	Klobuchar
Barrasso	Craig	Kohl
Baucus	Crapo	Kyl
Bayh	DeMint	Landrieu
Bennett	Dole	Leahy
Bond	Domenici	Lieberman
Brownback	Dorgan	Lincoln
Bunning	Ensign	Lott
Burr	Enzi	Lugar
Cardin	Feinstein	Martinez
Carper	Graham	McCain
Casey	Grassley	McCaskill
Chambliss	Gregg	McConnell
Coburn	Hagel	Mikulski
Cochran	Hatch	Murkowski
Coleman	Hutchison	Nelson (FL)
Collins	Inhofe	Nelson (NE)
Conrad	Isakson	Pryor
Roberts	Snowe	Thune
Salazar	Specter	Vitter
Sessions	Stevens	Voinovich
Shelby	Sununu	Warner
Smith	Tester	Webb

NAYS—25

Akaka	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Kennedy	Sanders
Brown	Kerry	Schumer
Byrd	Lautenberg	Stabenow
Clinton	Levin	Whitehouse
Dodd	Menendez	Wyden
Durbin	Murray	
Feingold	Reed	

NOT VOTING—3

Biden	Cantwell	Obama

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 25. Under the previous order, requiring 60 votes for the adoption of the amendment, amendment No. 2934 is agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate considers Feingold amendment No. 2924, which I understand will now be the matter before the Senate, there will be 2 hours of debate, with the time divided as follows: 90 minutes under the control of Senator FEINGOLD or his designee, 30 minutes under the control of Senator MCCAIN or his designee; that no amendment be in order to the amendment prior to the vote; that upon the—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, it is our understanding—and Senator MCCAIN and I have discussed this—that Senator FEINGOLD will be recognized to offer amendment No. 2924.

I ask unanimous consent that there be 2 hours of debate, with the time divided as follows: 90 minutes under the control of Senator FEINGOLD or his designee, 30 minutes under the control of Senator MCCAIN or his designee; that no amendment be in order to the amendment prior to the vote; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the amendment, and that if the amendment doesn't receive 60 votes, it be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object, I thank the distinguished chairman, Senator LEVIN. I want to mention this: Is it the chairman's understanding that after that, we would probably go to the Levin-Reed amendment and have a time agreement following that? Is it also the chairman's understanding that any Iraq-related amendment would probably be a 60-vote requirement? Finally, is it also the understanding of the chairman that at 3 p.m. today we would expect all amendments to be filed on this bill?

Mr. LEVIN. If the Senator will yield.

Mr. MCCAIN. I do not object.

Mr. LEVIN. It is our hope to work out an arrangement so we can proceed next to the Levin-Reed amendment. If that is the situation, we would hope to work out a time agreement as well on that amendment. There are two other matters that we may want to try to dispose of—at least one other matter—prior to the Levin-Reed amendment. It is our hope as well, as the Senator from Arizona expects, that amendments that are Iraq related include the 60-vote requirement.

Mr. MCCAIN. Also, if I could be recognized briefly.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is agreed to.

Mr. MCCAIN. Mr. President, I remind my colleagues—and I again thank the chairman, Senator LEVIN. I think we have had an excellent degree of accommodation, with occasional differences of opinion. But I appreciate his leadership. I remind my colleagues this is the 12th day of debate on this bill. The total time of debate has been 69 hours. We still have not gotten to the body of the legislation. That is 12 days, 69 hours.

I know this is called a ''deliberative'' body, but we are now reaching the limits of that description. So I hope all of our colleagues will work with us to dispose—hopefully today—of the Iraq-related amendments, and then we can close out the filing of amendments on the bill itself and, hopefully, have some kind of agreement to dispose of this legislation.

Again, as we have pointed out several times, on this legislation is the Wounded Warrior legislation, for our veterans, a pay raise, and so many other important aspects of the legislation. We don't want us, for the first time in more than 46 years, not to pass this important bill.

I yield the floor.

Mr. LEVIN. Mr. President, let me also add one comment to Senators. We have already, on this side, hotlined a unanimous consent agreement that no amendment would be in order to this bill, unless it is filed by 4 p.m. this afternoon—no first-degree amendment would be in order. We don't know what the response is. We hope all of the Democrats will agree to that. We believe that a similar unanimous consent request has been hotlined on the Republican side, but the ranking member would know that.

We hope that works, for the reason the Senator gave, which is that this bill is extremely important. We have been on it a long time. We are going to need a number of days, obviously, to resolve the hundreds of amendments

that are still filed and have not been resolved. We are working to clear amendments, and we need the cooperation of everybody.

Mr. MCCAIN. Mr. President, one final comment. I am not sure I will need all the time on this side for this amendment. We have debated this amendment before, and I alert my colleagues that perhaps we can vote earlier than the 2-hour time that is involved.

I yield the floor.

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

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 2064.

Mr. FEINGOLD. Amendment No. 2064?

The PRESIDING OFFICER. Correct.

Mr. FEINGOLD. Madam President, I ask unanimous consent that amendment be set aside.

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

AMENDMENT NO. 2924 TO AMENDMENT NO. 2011

Mr. FEINGOLD. Madam President, I now call up amendment No. 2924.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, and Mr. SCHUMER, proposes an amendment numbered 2924 to amendment No. 2011.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To safely redeploy United States troops from Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Madam President, last week, as the administration was trying to convince us to stay the latest course in Iraq, it made very little mention of the fact that in every month this year, January through August, substantially more U.S. troops have died in Iraq than in the corresponding month in 2006.

It also had little to say about the British survey released last week which found that nearly one in two Baghdad households has lost at least one member to war-related violence and that 22 percent of surveyed households across the nation have endured at least one death. Based on the number of households in Iraq, this could mean that upwards of 1 million civilian deaths have occurred as a result of the war in Iraq.

Despite these facts, this administration assures us that violence is decreasing and that the security situation in Iraq is getting better. They tell us success is within reach and that we are closer to attaining our objectives, even though those objectives keep changing—most recently from supporting a strong central government to a more bottom-up and local approach. Just give us more time, they say, just as they said in 2004 and in 2005 and in 2006. The slogan may be different. We have had ''Mission Accomplished'' and ''Stay the Course'' and ''The New Way Forward'' and now ''Return on Success.'' But each time, we are told we are on the right road until, that is, we reach another dead end and then a new slogan is invented to justify our open-ended presence in Iraq. As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq, our military is being overstretched, countless billions of dollars are being spent, the American people are growing more and more frustrated and outraged, and our national security, quite frankly, is being undermined.

Our top national security priority should be going after al-Qaida and its affiliates. They are waging a global campaign from north Africa to Southeast Asia. We cannot afford to continue to focus so much of our resources on one single country without a legitimate strategy for dealing with the threats posed by al-Qaida's global reach.

Instead of seeing the big picture, instead of placing Iraq in the actual context of a comprehensive and global campaign against a ruthless enemy, this administration persists in the tragic mistake it made over 4 years ago when it took this country to war in Iraq. That war has led to the deaths of more than 3,700 Americans and perhaps as many as 1 million Iraqi civilians, it has deepened instability throughout the Middle East, it has jeopardized our credibility, and it has clearly alienated our friends and allies.

This summer's declassified National Intelligence Estimate confirms that al-Qaida remains the most serious threat to the United States. Indeed, key elements of that threat have been regenerated, have even been enhanced. While we have been distracted by the war in Iraq, al-Qaida has protected, rebuilt, and strengthened its safe haven in the border region between Pakistan and Afghanistan and has increased its collaboration with regional terrorist groups in other parts of the world. With its safe haven, al-Qaida is working to expand its network and, therefore, its ability to strike Western targets, including ones right here in the United States.

The administration has much to say about al-Qaida in Iraq. They will not tell you al-Qaida in Iraq is an al-Qaida affiliate which was spawned by this disastrous war, however, and they would rather not talk about al-Qaida's safe haven in the Pakistan-Afghanistan region or even recognize the serious global threat that continues to exist and that has even been strengthened while our troops are dying in Iraq. That tells you all you need to know about the administration's painfully narrow focus on Iraq.

The war in Iraq is not making us safer. It is making us more vulnerable. It is stretching our military to the breaking point and inflaming tensions and anti-American sentiment in an important and volatile part of the world. It is playing into the hands of our enemies, as even the State Department recognized when it said the war in Iraq is ''used as a rallying cry for radicalization and extremist activity in neighboring countries.''

Of course, it would be easy to put all the blame on the administration, but I am afraid Congress is complicit too. Congress authorized the war. Congress has so far allowed it to continue despite strong efforts from the new Democratic leadership. Now, once again, it is up to us in Congress to reverse this President's intractable policy, to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq. We have the power and the responsibility to act, and we must act now.

I am not suggesting that we abandon the people of Iraq or that we ignore the political stalemate there and the rapidly unfolding humanitarian crisis which has displaced more than 4 million Iraqis from their homes. These critical issues require the attention and constructive engagement of U.S.

policymakers, key regional players, and the international community. But such turbulence cannot and will not be resolved by a massive military engagement. The administration's surge is another dead end. The surge was supposedly aimed at creating the space necessary for political compromise, but the Iraqi Government is no more reconciled than it was when the surge began, and American troops are dying in greater numbers—greater numbers—than last year or the year before.

That is why I am again offering an amendment, with the majority leader, HARRY REID, and Senators LEAHY, BOXER, WHITEHOUSE, HARKIN, SANDERS, SCHUMER, DODD, DURBIN, and MENENDEZ. Our amendment, which is similar to legislation we introduced earlier this year, would require the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and it would require the redeployment to be completed by June 30, 2008.

At that point, with our troops safely out of Iraq—and I repeat that—at that point, with our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and other affiliated international terrorist organizations.

By enacting Feingold-Reid, we can finally focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates. Our amendment will allow targeted missions against al-Qaida in Iraq, but it will not allow the administration to maintain substantial numbers of U.S. troops in that country.

The amendment will also allow training of Iraqis who have taken steps to address serious concerns about the loyalties of the ISF. The Government Accountability Office has found that the ISF have been infiltrated by Shia militia, and General Jones's recent report indicated ISF are compromised by militia and sectarian alliances. In addition, there have been several reports of ISF attacks upon U.S. troops. That is why we do not allow training for Iraqis who have been involved in sectarian violence or attacks upon Americans.

We also prevent the ''training'' exception from being used as a loophole to keep tens of thousands of U.S. troops in Iraq. We do this by stipulating that U.S. troops providing training cannot be embedded or take part in combat operations with the ISF. Training should be training, not a ruse for keeping American troops on the front lines of the Iraqi civil war. Of course, U.S. troops can take part in combat operations specifically against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. Why do I hope they don't say that? Because there is no truth to the argument. None. This is an absolutely phony argument used time and again to try to get away from what this amendment actually does. Passing this legislation will result in our troops being safely redeployed by the deadline we set. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I listed. That is what Congress did in 1993 when it voted overwhelmingly to bring our military mission in Somalia to an end by setting a deadline after which funding for that mission would end. And that is what Congress must do again to terminate the President's unending mission in Iraq.

In order to make clear our legislation will protect the troops, we have added language requiring that redeployment ''shall be carried out in a manner that protects the safety and security of United States troops,'' and we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need ''to ensure, maintain, or improve their safety and security.'' So I hope we will not be hearing any more phony arguments about troops on the battlefield somehow not getting the supplies they need.

Other amendments might set goals for redeployment or merely call for a change in mission, but those proposals do not go far enough. Nor is it sufficient to pass legislation that allows substantial numbers of U.S. troops to remain in Iraq indefinitely. As the President's Iraq policy continues unchecked, we need to invoke the power and the responsibility bestowed upon us by the Constitution and bring this to a close.

This war doesn't make sense. It is hurting our country, our military, and our credibility. It is time for this war to end. The American people know this, and they are looking to us to act. I hope we will not let them down again.

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise to oppose the amendment offered by my good friend from Wisconsin. I would prefer to be discussing other reform issues with him than this one, but this is an important amendment.

As usual, the Senator from Wisconsin makes a passionate and persuasive case. Unfortunately, the pending amendment would mandate a withdrawal of U.S. combat forces within 90 days of enactment and cut off funds for our troops in Iraq after June 30, 2008. One exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue? That is the choice we must make, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, in my view, a duty to make decisions with the security of this great and good Nation foremost in our minds.

We now have the benefit of the long-anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we know now—that our military is making progress on the ground and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

We see today that after nearly 4 years of mismanaged war, the situation on the ground in Iraq is showing demonstrable signs of progress. The final reinforcements needed to implement General Petraeus's new counterinsurgency plan have been in place for over 2 months, and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. The No. 2 U.S. commander in Iraq, GEN Ray Odierno, said today—Madam President, I ask unanimous consent to have printed in the RECORD an article today by AP concerning General Odierno's comments saying ''that a seven-month old security operation has reduced violence by 50 percent in Baghdad but he acknowledged that civilians were still dying at too high a rate.''

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

U.S. COMMANDER: VIOLENCE DOWN IN BAGHDAD

(By Katarina Kratovac)

The No. 2 U.S. commander in Iraq said Thursday that a seven-month-old security operation has reduced violence by 50 percent in Baghdad but he acknowledged that civilians were still dying at too high a rate.

The comments came as relations between the U.S. and Iraqi governments remained strained in the wake of Sunday's shooting involving Blackwater USA security guards, which Iraqi officials said left at least 11 people dead. Prime Minister Nouri al-Maliki suggested the U.S. Embassy find another company to protect its diplomats.

The Moyock, N.C.-based company has said its employees acted ''lawfully and appropriately'' in response to an armed attack against a State Department convoy.

But a survivor who said he was three cars away from the convoy denied the American guards were under fire, claiming they apparently started shooting to disperse more than

two dozen cars that were stuck in a traffic jam.

''It is not true when they say that they were attacked. We did not hear any gunshots before they started shooting,'' lawyer Hassan Jabir said from his hospital bed.

On Thursday, Lt. Gen. Raymond Odierno told reporters that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and civilian casualties have dropped from a high of about 32 to 12 per day.

He also said violence in Baghdad had seen a 50 percent decrease, although he did not provide details about how the numbers were obtained and said that was short of the military's objectives.

''What we do know is that there has been a decline in civilian casualties, but I would say again that it's not at the level we want it to be,'' Odierno said. ''There are still way too many civilian casualties inside of Baghdad and Iraq.''

Al-Qaida in Iraq was ''increasingly being pushed out of Baghdad, ''seeking refuge outside'' the capital and ''even fleeing Iraq,'' Odierno said.

Lt. Gen. Abboud Qanbar, the Iraqi military commander, said that before the troop buildup, one-third of Baghdad's 507 districts were under insurgent control.

''Now, only five to six districts can be called hot areas,'' he said. ''Al-Qaida now is left only with booby-trapped cars and roadside bombs as their only weapon, which cannot be called quality operations, and they do not worry us.''

Qanbar also reported the release of 1,686 detainees from Iraqi jails.

Odierno said the U.S. military had separately released at least 50 detainees per day, or a total of at least 250, since beginning an amnesty program for inmates as a goodwill gesture linked to the Islamic holy month of Ramadan.

Meanwhile, a U.S. soldier died Wednesday in a non-combat incident in Anbar west of Baghdad, the military said, adding that the incident was under investigation.

After the shooting Sunday in the Mansour district of western Baghdad, Blackwater spokeswoman Anne E. Tyrrell said the employees acted ''lawfully and appropriately'' in response to an armed attack against a U.S. State Department convoy.

But Iraqi witnesses claim seeing Blackwater security guards fire at civilians randomly.

Speaking from his bed in the Yarmouk hospital four days after the incident, Jabir said he was one of the wounded when Blackwater's security guards opened fire in Nisoor Square.

He said he was stuck in a traffic jam near Nisoor Square in western Baghdad when he saw the American convoy of armored vehicles and black SUVs parked about 20 yards away at an intersection, apparently following an explosion.

Jabir said the Americans began yelling to disperse the vehicles, then opened fire as the cars were trying to turn around.

''Some people, including women and children, left their cars and began crawling on the street to avoid being shot but many of them were killed. I saw a 10-year-old boy jumping in fear from one of the minibuses and he was shot in his head. His mother jumped after him and was also killed,'' Jabir said, adding that his car flipped over in the chaos.

The incident has angered Iraqis, uniting them in blaming U.S. forces for the violence in their country and backing the government's announcement to ban Blackwater from Iraq.

U.S. and Iraqi officials announced they would form a joint committee to try to reconcile widely differing versions of the incident. Conflicting accounts were circulating among Iraqi officials themselves.

Land travel by U.S. diplomats and other civilian officials outside the fortified Green Zone was suspended following the Iraqi government order that Blackwater stop working.

The U.S.-based company is the main provider of bodyguards and armed escorts for American government civilian employees in Iraq and banning it from Iraq would hamper and make movement of U.S. diplomats and others difficult.

Al-Maliki, who disputed Blackwater's version of what happened, spoke out sharply against the company Wednesday, saying the government would not tolerate the killing of its citizens ''in cold blood.''

He also said the shootings had generated such ''widespread anger and hatred'' that it would be ''in everyone's interest if the embassy used another company while the company is suspended.''

Eager to contain the crisis, the State Department said Wednesday a joint U.S.-Iraqi commission will be formed.

The size and composition of the commission have yet to be determined but its members are charged with assessing the results of both U.S. and Iraqi investigations of Sunday's incident, reaching a common conclusion about what happened and recommending possible changes to the way in which the embassy and its contractors handle security, the State Department said.

Mr. MCCAIN. He said that the violence, as I said, has been reduced by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest levels in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day.

His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one-third of Baghdad's 507 districts were under insurgents' control. Today, he said, only five to six districts can be called hot areas.

I want to be clear to my friend from Wisconsin and my colleagues, none of this is to argue that Baghdad or other regions have suddenly become safe or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus's contention last week that American and Iraqi forces have achieved substantial progress under their new strategy.

The road in Iraq remains, as it always has been, long and hard. The Maliki government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the Congress succeed in terminating the new strategy by legislating an abrupt withdrawal and a transition to a new, less effective, and more dangerous course—should we do that, then we will fail for certain.

I wish to remind all of my colleagues of a statement made by the President of Iran approximately 1 week ago. Every American should hear this statement. Iranian President Mahmoud Ahmadi-Nejad declared yesterday that U.S. political influence in Iraq was ''collapsing rapidly,'' and said Tehran was ready to help fill any power vacuum. He stated at a news conference in Tehran, referring to U.S. troops in Iraq:

> The political power of the occupiers is collapsing rapidly. Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap, with the help of neighbors and regional friends like Saudi Arabia, and with the help of the Iraqi Nation.

That is what this is about. That is what this is about. Let us make no mistake about the cost of such an American failure in Iraq. In his testimony before the Armed Services Committee last week, General Petraeus referred to an August Defense Intelligence Agency report that stated:

> A rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al-Qaida-Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethno-sectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran.

These are the likely consequences of a precipitous withdrawal, and I hope the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should this amendment become law, and U.S. troops begin withdrawing, do they believe Iraq would become more or less stable? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or even likelier? That al-Qaida will find it easier to gather, plan, and carry out attacks from Iraqi soil, or that our withdrawal will somehow make this less likely?

No matter where my colleagues came down in 2002 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Earlier this month, GEN Jim Jones, who was widely quoted by opponents of this new strategy, testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course.

> A precipitous departure which results in a failed state in Iraq, will have a significant boost in the numbers of extremists, jihadists in the world, who will believe they will have toppled the major power on earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas.

I don't see how General Jones could have made himself more clear and succinct, and yet I continue to hear selective quotes from his commissioned reports and his testimony that somehow would lead people to believe he would support such a proposal as being made today by my friend from Wisconsin.

Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safe havens, and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian-dominated Middle East that is roiled by wider regional war and riddled with terrorist safe havens.

The supporters of this amendment respond they do not by any means intend to cede the battlefield to al-Qaida. On the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out ''targeted operations, limited in duration and scope, against members of al-Qaida and other international terrorist organizations.'' But such a provision draws a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target ''terrorists'' but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an IED in the road? Must he check for an al-Qaida identity card before responding?

The obvious answer is such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try to make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al-Qaida's strategy, which is to incite sectarian violence. It is interesting that some supporters of this amendment embrace the recent GAO report, which said it could not distinguish between sectarian violence and other forms of violence because that would require determining an intent—an impossible task. Yet these same supporters would have our troops in the field attempt to do just that. Our military commanders say trying to artificially separate counterterrorism from counterinsurgency will not succeed, and that moving in with search-and-destroy missions to kill and capture terrorists only to immediately cede the territory to the enemy is the failed strategy of the past 4 years. We should not and must not return to such a disastrous course.

The strategy General Petraeus has put into place—a traditional counterinsurgency strategy that emphasizes protecting the population, which gets our troops out of the bases and into the areas they are trying to protect, and which supplies sufficient force levels to carry out the mission—is the correct one. It has become clear by now we cannot set a date for withdrawal without setting a date for surrender.

This fight is about Iraq, but not about Iraq alone. It is greater than that and more important still about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all the terrible things that accompany it. We cannot walk away gracefully from defeat in this war. Consider one final statement from the August National Intelligence Estimate. It reads:

> We assess that changing the mission of the Coalition forces from a primarily counterinsurgency and stabilization role to a primary combat support role for Iraqi forces and counterterrorist operations to prevent AQI from establishing a safe haven would erode any security gains achieved thus far.

Should we pass this amendment, we would erode the security gains our brave men and women have fought so hard to achieve and embark on the road of surrender. For the sake of American interests, our national values, the future of Iraq, and the stability of the Middle East, we must not send our country down this disastrous course. All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic. I urge my colleagues to vote ''no'' on the Feingold amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I surely agree with the Senator from Arizona. I also wish we were out here working on something else, perhaps one of our political reform bills. We had started working on our campaign finance reform bill long before 9/11, and we are still working on those issues together. It is certainly tragic for this country that, instead, we are mired in a situation in Iraq that takes us away not only from our national security issues but also our domestic issues that need attention.

But I thank my colleague from Arizona. He argues on the merits. He doesn't hide behind the resume of a general or talk about or use some other person as a human shield. He talks about the merits of the issue. He and I have had a chance, thanks to his invitation on two occasions, to visit Iraq and look at what was happening. Frankly, we just come to different conclusions. In fact, we couldn't be more far apart on this issue. Nonetheless, I respect the way he argues and the way we discuss this, and I thank him for it.

In a moment, I will turn to one of my colleagues to speak, but I want to briefly respond to a couple of the issues that were brought up by the Senator from Arizona. The Senator from Arizona and I agree absolutely on something: We fear failure in the fight against terrorism. We want to defeat those who attacked us on 9/11.

For me, the fight is a global fight, which we have been distracted from due to Iraq. So what I am concerned about is that a continued effort in Iraq could lead to the ultimate failure in the fight against those who attacked us on 9/11. It could lead to a surrender, a true surrender against those who declared war on our country on September 11, 2001. So that is the failure I fear. That is the failure I want to make sure doesn't happen, because we have to protect the American people.

The Senator from Arizona points out the very difficult problem of Iran, which is related to but also separate from the question of al-Qaida.

He says: What happens if we leave Iraq?

Let me tell you something. What we are doing in Iraq right now is the best deal Iran ever had. We take all the hits, we lose the people, we pay for everything, and their influence in Iraq increases every day. And they do not have to worry about a restive Sunni population in their country because they are not moving into Iraq directly. But if we left, they would have to think twice about their own stability, if they tried to mess around in Iraq directly.

So, almost unbelievably, our strategy in Iraq plays into both the hands of al-Qaida and Iran. It is the most foolish move we could make in the fight against those who attacked us on 9/11 and against those who are being very threatening to us at this point in the name of the Iranian leader. It is the wrong strategy in both regards.

The Senator from Arizona asks: How are we going to get other countries engaged if we leave Iraq? It is the reverse. None of these bordering countries are going to get serious. None of them are going to become engaged if they think we are going to just stay there—for a couple of reasons. One is, Why should they? We are there putting up with all the violence and difficulties and taking all the losses. They don't have to spend anything.

The Senator from Arizona and I heard the Kuwaitis talk about this in Kuwait, saying: Well, you know, you went in there; now you deal with it. If we are not in there, not only Iran and Syria, Jordan and others have a definite interest in Iraq not being chaotic. That is when they start to perform.

The other problem is, How can these Islamic countries help stabilize Iraq now when in their countries our involvement in Iraq is perceived as an occupation of an Islamic country? So our very strategy stymies the potential for stability being assisted by the other countries in the region.

Those are just a couple of responses on the merits to some of the points

made by the Senator from Arizona. I firmly believe our strategy is hurting our country desperately in terms of our national security, and that is why I and others offer the amendment.

At this point, I would like to yield 10 minutes to one of the strongest advocates for this policy of trying to terminate this involvement, the Senator from Connecticut.

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

Mr. DODD. Mr. President, let me say to both my colleague from Wisconsin and my colleague from Arizona, I was the floor manager of the McCain-Feingold campaign finance reform legislation. I feel as though, in a sense here, I am assuming the role again as the manager between the McCain and Feingold camps on this question. They were two people who joined forces together on a critical issue before our country, and I was honored and pleased to manage the legislation which was named for them.

We find ourselves here again on a different subject matter and assuming different roles. I am not managing the issue, but I would be remiss if I didn't also express my deep respect for my colleague, the Senator from Wisconsin, for his leadership and my affection and respect for my colleague from Arizona, with whom I have worked on a number of issues over the years.

I rise in support of the Feingold-Reid amendment. I believe it is a very important amendment. This may be the critical vote, candidly, on whether we are going to persist over the coming months, until January 2009, in a policy that has failed—or whether we can actually make a difference here, and change the direction of this policy, and give our Nation a sense of new hope, new optimism, and give those who have served so valiantly an opportunity to come home or to engage in an area where their leadership is needed. This is the moment. This may be the one opportunity we have between now and 2009 to make a difference on this issue. This is no small proposal; this is a serious one.

For those who would like to wish it were a little bit this way or that way, that is no reason to be against it. Senator FEINGOLD, once again, has offered us an opportunity here to make a difference in this policy. This may be the one real opportunity we get to do that. My hope is that in the next hour and a half, those who are listening to this debate, thinking about this, will understand the moment before us, and take advantage of this opportunity, and make a decision that could affect the future of our country in this century.

Out of 2 full days General Petraeus spent testifying before Congress, I think the most telling exchange took only four lines. There were hearings that went on in the House of Representatives. We had hearings in the Foreign Relations Committee and hearings in the Armed Services Committee. There were very good questions raised by members of both parties, but I commend my colleague from Virginia, Senator JOHN WARNER, the former chairman of the Armed Services Committee, the ranking member today, for his simple question. We have often seen this happen in history. It is one simple sentence, one simple question—not the complicated, multiphrase question, which gets into all the nuances and details of an issue—that will shed the most light on where we stand.

Senator MCCAIN said something a minute ago with which I totally agree, and Senator FEINGOLD reiterated it. The primary purpose, the fundamental issue before this body, before every Member here and certainly before the President of the United States, is the issue of the safety and security of our country. That is our paramount responsibility above all else—to keep our country safe and secure. So the four-line question that was raised to General Petraeus in his testimony on September 11 was the most important question, in many ways, that was asked of him.

Senator Warner: Do you feel that [the Iraq war] is making America safer?

General Petraeus: I believe that this is indeed the best course of action to achieve our objectives in Iraq.

Senator Warner: Does it make America safer?

General Petraeus: I don't know, actually.

''I don't know, actually.'' It could be the epitaph of this war. And to the families of the 3,791 men and women who lost their lives in Iraq, it must be cold comfort indeed that the commanding general has not even convinced himself that this war serves our security. But in another sense, General Petraeus gave precisely the right answer. He has no opinion because it is his job to have none.

His job is to execute a mission—work that he has done with great fortitude and intellect. But the job of deciding whether the mission serves our interests—deciding what our interests are, deciding what the mission itself will be—that is a task for the general's superiors—that is, the President of the United States, this body and the other, and the American people, who are our superiors.

This amendment is our best attempt—maybe the only attempt—to give voice to their shared conclusion: that our current course has failed to make Iraq safer, has failed to make America safer, and so must change dramatically. The amendment would accomplish two critical things.

One: Redeploy combat forces from Iraq.

Two: Focus those forces remaining on counterterrorism, training Iraqi forces, and force protection for U.S. personnel and infrastructure.

I will not rehearse for you the administration's ever-shifting justifications and stalling and stonewalling that have brought us, with a battered military and an equally battered reputation, to this sad point. It is enough to say that they have been given every chance. For months and months, they denied that there was a civil war in Iraq. Then, when denial became impossible, and when the bipartisan Iraq Study Group report gave them a unique chance to change course, they scrapped the report and gambled on a surge.

Then we were told that, despite the administration's catastrophic policy failures, we should take their word for it—that we couldn't judge this new tactic's success until American forces had ''surged'' to their maximum levels. And that would take up 6 months.

Once the surge was at full force, we were told yet again that the time wasn't right, that we had to withhold judgment again and wait until General Petraeus's report. And last week, General Petraus came before Congress and told us—to wait some more.

For what?

Early this month, Comptroller General David Walker testified that ''the primary point of the surge was to improve security . . . in order to provide political breathing room'' for the Iraqi Government.

Seven hundred American service men and women sacrificed their lives for that breathing room, and nearly 4,400 took wounds for it. What has the Iraqi Government done with it? It failed to meet its own political benchmarks, failed to enact oil legislation, sustained a mass resignation of Sunni politicians, leaving more than half of its cabinet seats vacant, and enjoyed a month-long vacation.

At the height of the surge, a BBC poll reported that 60 percent of Iraqis—and 93 percent of Sunnis—think it is justified to kill American troops. It is no surprise that Walker concluded that ''as of this point in time, [the surge] has not achieved its desired outcome.''

That is what the surge has gotten us. What has it gotten Iraqis? At the very best, a reduction in violence to still-catastrophic early-2006 levels. And even so, the statistics we saw last week were extremely subject—as are all statistics—to the biases of those compiling and categorizing them. According to the Washington Post, ''Intelligence analysts . . . are puzzled over how the military designated attacks as combat, sectarian, or criminal''—difficult categorizations that, I might add, make all the difference to selling the surge as success, or recognizing it as a failure.

Comptroller General Walker added that ''there are several different sources in the administration on violence, and those sources do not agree.'' One intelligence official put it succinctly: ''Depending on which numbers you pick, you get a different outcome.'' In that context, it is significant that the military cannot track, and does not track, Shiite-on-Shiite and Sunni-on-Sunni violence. And in Baghdad alone, according to the Iraqi Red Crescent, ''almost a million people . . .

have fled their homes in search of security, shelter, water, electricity, functioning schools or jobs to support their families.''

And those are the results with the surge—a surge that, given the exhausted state of our military, cannot physically be sustained. The administration's supporters need to explain to us: Without the surge, what could possibly happen, that has not taken place already, to bring political reconciliation to Iraq?

What more could possibly happen to quell the violence between and among Iraq's Sunnis and Shiites? What new development could possibly change the face of this war? We all know the honest answers to those questions.

And so the choice we have today is not, as some would have it, between victory and defeat. That has never been the issue. We can choose indefinite war for invisible gains; or we can choose to cut our losses here and recognize that there is a better opportunity with a different course of action. I can't remember a more painful choice in all my years in this body. But to govern is to make just such painful choices, without fear or flinching. And I believe the American people are far ahead of us on this issue—they've made their choice. We must make ours as their Representatives.

This amendment seeks to put that choice into action and to stop Iraq's downward spiral. First, it sets firm and enforceable timelines for the phased redeployment of combat troops out of Iraq.

The redeployed forces would be comprised of a majority of the deployed Army Brigade Combat Teams and the Marine Expeditionary Force currently in theater. Some may claim that such a redeployment is logistically impossible within the timeframes laid out in the amendment. But I would remind them that in the ramp-up to the first gulf war, the Department of Defense coordinated the movement of over 500,000 troops, and 10 million tons of cargo and fuel in the same timeframe that this amendment grants to redeploy a force one-fifth the size.

In January of 1991—1 month alone—the Transportation Command moved 132,000 troops and 910,000 tons of equipment. So it is clear that we have the wherewithal to end this war, if Congress could find the will. At the same time, we cannot simply wish the conflict away. We do have enemies in Iraq, enemies equally committed to killing Americans and sowing sectarian violence. That is why this amendment carves out exceptions to the general redeployment.

Using the name of al-Qaida is a means to frighten Americans into buying a far broader agenda of continuous occupation. It's no coincidence that, in President Bush's televised remarks on Iraq last week, the word ''al-Qaida'' crossed his lips some 12 times in a speech roughly 15 minutes long.

The amendment makes three noncombat exceptions: first, conducting counterterrorism operations; second, training and Iraqi forces; and third, protecting U.S. personnel and infrastructure.

It is beyond clear that continuing our course in Iraq harms America in the broader fight against terrorism. In an article in the Financial Times, Gideon Rachman summarized the key ways the war in Iraq has actually strengthened terrorism: by diverting resources from fighting al-Qaida in Afghanistan; by turning Iraq into a failed state and terrorist-incubator; by delivering al-Qaida a potent recruiting tool; and by harming America's standing with its traditional allies, whose cooperation is necessary to foil terrorists. All four reasons are clearly being enhanced because of our continued military presence in Iraq.

On the other side of the coin, tightly focusing our Iraq mission actually aids our security in the long run.

That certainly is the case when you consider the quote from a recent IPS article on CENTCOM's commander, ADM William Fallon—General Petraeus's superior, I might add. Admiral Fallon ''believed the United States should be withdrawing troops from Iraq urgently, largely because he saw greater dangers elsewhere in the region.'' With al-Qaida reconstituting itself on the Pakistan-Afghan border, I could not agree more.

With redeployment complete, I want our military to begin to regather its strength. After a one-time redeployment cost estimated by the Congressional Budget Office at $7 billion, which is about equal to this war's cost every month, our Armed Forces will have the resources needed to prepare for future challenges.

Those resources are sorely needed. Long, arduous deployments are not only testing the morale of our troops and families, they are taxing critical stocks of aircraft, vehicles, and other equipment. Two-thirds of the U.S. Army—two-thirds of the U.S. Army—is unable to report for combat duty.

According to the National Guard Bureau Chief, LTG Steven Blum, ''88 percent''—his words, not mine—''88 percent of the Army National Guard forces that are back here in the United States are very poorly equipped today.''

That shortage affects National Guard units in every State, and every one of our colleagues knows it. It is the picture of a military that has been ground into the dirt, unit by unit, machine by machine, soldier by soldier.

Do the President's supporters think this can go on forever? Will they come to this floor and claim we are invulnerable? If General Petraeus does not know, actually, whether this war is making us safer, let's ask another question: Is this war endangering our security?

Our military's top generals and admirals know the answer to that question. They have submitted to Congress a list of critical priorities that President Bush's budget ignores. As we squander billions of dollars every week in Iraq, they are calling out for help to meet our military's needs to repair the damage this administration has caused.

Our top generals and admirals know better than anyone how deeply our military is hurting. We must meet these obligations to our war-fighters because it is, in the end, our obligation to keep safe the people we represent.

As I said at the outset, the question from Senator JOHN WARNER—the simple, one-line question asked of General Petraeus—was the single most important question asked during 2 days of hearings: Are we safer? The answer, tragically, is no. What a disaster if this war of choice ultimately left us unready and unarmed to fight a war we did not choose.

Clear data, long experience, and common sense tell us all how to answer the question that General Petraeus could not. I do not blame him for staying silent. It is his duty, in that moment, to be agnostic. I understand that. But it is our duty not to be agnostic. We do not have that luxury as Members of the Senate charged with the responsibility of deciding whether this conflict goes on.

We cannot remain silent. We cannot beg off the answer to that question: Are we safer? Are we more secure? We know what the answer is. Now we bear the responsibility to this generation and to history to answer the question. It is our duty to choose, a duty to choose at this moment, even when there is heartache in either hand. I choose to draw the line here because I cannot stand to lose one more life in the name of misplaced hope and blind faith.

I call on our colleagues, both Democrats and Republicans, not to lose this moment. This will be the only moment, I suspect, before January of 2009 to answer this question. How many more lives will be irreparably damaged and lost because we failed to answer the question posed by our colleague from Wisconsin, which I am proud to join him in asking today. Let us bring this tragic chapter in our history to a close and offer new hope to this country, and the Iraqis, and that desperate region.

I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Connecticut for his very strong statement in support of our amendment, and even more for his extremely passionate and consistent support all year.

I yield 10 minutes to another cosponsor of the amendment, the assistant majority leader, Senator DURBIN.

Mr. DURBIN. Madam President, will the Chair please advise me when I have 2 minutes remaining?

Madam President, this room we work in, this Chamber where the Senate meets, is a Chamber that has seen a lot of history in its time. There have been moments of great pride, and, unfortunately, moments I am sure where the

opposite has occurred in the history of this great Chamber.

It has been my honor to represent the wonderful State of Illinois for 10 years as a Senator. Fewer than 2,000 Americans have ever had this chance to serve as a Senator. But the men and women who have been given the opportunity are also given a responsibility far beyond the responsibility of any individual citizen.

Votes come and go. If you put me on the spot and say: Tell me all your votes from 2 weeks ago, I would be hard pressed to remember. But there are some votes you can never forget. Whether as a Member of the House of Representatives or a Member of the Senate, I have found the votes that gnaw into my conscience and keep me awake at night are votes related to war because when you vote on war, you know that at the end of the day, if you move forward, people will die. It may be the enemy, but it is likely to also include many of your own and innocent people.

So in October of 2002, just weeks before reelection, we gathered in this Chamber late at night, with the President who insisted that we vote to give him authority to go to war in Iraq. It was not that long after we had given him the authority to go after those responsible for 9/11, our current war in Afghanistan against the Taliban and al-Qaida.

But sadly before that vote, the American people were misled; misled by the President, the Vice President, the Cabinet, and the leaders of our Nation about the war in Iraq. The information given us about that war was wrong. We were told that Saddam Hussein was a threat to the United States of America. That was not true. He was a bloody tyrant, ruthless with his own people. He would certainly not win the approval of anyone in this Chamber for what he had done to his nation, but he was not a threat to us.

We were told about weapons of mass destruction that beat the drums of war and had our people anxious to respond quickly to protect us. People in the White House were talking about mushroom-shaped clouds and chemical weapons and biological weapons and stockpiles and aerial photographs to prove that they all existed. It turned out none of that was true.

The most grievous sin in a democracy is to mislead the American people into a war, and that is what occurred. We were misled into a war that night with a vote in this Chamber. On that evening there were 23 of us who voted against that war. There were a variety of reasons, but most of us believed the President had not made a solid case for the war, for the invasion of Iraq, and that he had not thought through what might occur if we made that invasion.

I can recall one of my colleagues saying: It is far easier to get into a war than it is to get out. In the fifth year of this war, that certainly has been proven true.

I voted against the war that evening, 1 of 22 Democrats, less than a majority of our own, with 1 Republican. Of all the votes that I have ever cast in the House and Senate, it is the one of which I am the proudest. I have never looked back with any doubt about that vote, not one time.

Look what has happened since. Almost 3,800 of our best and brightest sons and daughters of Illinois and every State in the Union have died in Iraq. Thousands have been injured, some gravely injured. I visit their hospital rooms, I meet with their families, I watch as they struggle to make life out of a broken body, trying to regain the spirit to look forward instead of backward. It is a bitter struggle.

Today, Senator FEINGOLD of Wisconsin gives us a clear choice. Will we continue this war or will we bring it to a close? Will we change our mission and start to bring our troops home or will we allow this war to continue?

I sincerely hope my colleagues on both sides of the aisle will look carefully at his amendment. He has worked long and hard on it.

He makes it clear that we are not going to pick up and leave tomorrow. We are going to redeploy in an orderly fashion. We are going to make certain our war against al-Qaida can still be waged within Iraq and wherever they raise their ugly heads. He is also going to make sure that we protect our own and make certain that we provide training assistance, limited, but training assistance to the Iraqis so they can stand up and defend their own country.

So many of our colleagues have come to the floor and said: Do not change a thing. Stick with the strategy. Well, I have been there three times now. I was just there a few weeks ago. It is a grim, sad, horrific situation in Iraq. And there is no way to sugarcoat it. No report from any general or any ambassador can change the reality of what is happening on the ground there.

To be given body armor when you go into Iraq, and a helmet, and be told: You better wear this wherever you go, tells me this is not a safe country. In the fifth year of this war, the safest area in Baghdad, in the Green Zone, they tell you: Put the body armor and helmet down at the end of the bed because when the sirens go off you have 4 to 6 seconds to put it on.

See, we cannot have rocket attacks into what we call the safest area of Baghdad. There are parts of that city where they would not even consider sending a Congressman or a Senator, just too dangerous, in the fifth year of this war with 160,000 or 170,000 of the best soldiers in the world.

This administration is in complete denial about what is occurring in Iraq. They are in complete denial about what the American people feel about this war. And they are in complete denial about the utter failure of the Iraqi Government to lead its own people forward.

The Iraqis need to make some fundamental decisions before we can celebrate democracy in Iraq. And the first question they have to resolve is, are they Iraqis first or are they members of a religious sect first? I do not think that question has been resolved. It certainly has not been resolved in parts of the Muslim world for 14 centuries, and sadly the crucible of this battle now is Iraq.

Our soldiers, our men and women in uniform, have been tossed into this bloody, deadly sectarian fight that continues by the day. The Iraqi Government finds excuse after excuse not to produce the most basic elements of governance, and as they plunder and blunder away, our soldiers die in the streets of their cities.

I have had it. Someone said to me earlier: Well, are the American people putting a lot of pressure on you about this war?

I said in response: The American people could not put more pressure on me about this war than I already feel. I feel for every one of those soldiers I sat down with for lunch in that country. I feel for all of them I see shipping out from my State and all across America. I feel for every wife and husband back home, trying to keep these kids together during a lengthy deployment.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DURBIN. I feel it is time for a change. I cannot in good conscience continue to give this President a blank check for this war because I know what he is going to do with that money. He is going to continue this failed policy with no end in sight. We are going to continue to lose 100 or more soldiers every single month until he can back out of the exit of this Presidency on January 20, 2009.

I am sorry, but I can no longer be party to financing what I consider to be the worst foreign policy mistake in our history. I will support Senator FEINGOLD. I will provide the funds for the orderly redeployment of our troops to make sure that the terrorists are fought where they should be fought and to do what we can to help the Iraqis. But in the fifth year of this war, it is time to change.

Now, I listen on the floor of the Senate while many of my colleagues want to change the subject. They want to talk about ads and newspapers about General Petraeus. Well, let me tell you something. I respect General Petraeus. But we have more important things to do than debate ads in newspapers. And instead of looking for ways to change the subject, we need to join together in a bipartisan fashion to change the war. That is why we are here. That is what we will be judged by. And the question is whether we will stand up now that we have a choice and a vote. Will we march in blind allegiance to a President who has brought us to this sad, tragic moment in our history or will we in the Senate have the courage, on a bipartisan basis, to stand up for people across America, for our soldiers and their families who need a change in

policy, need a change in direction, and need to be brought home?

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield 3 minutes to the cosponsor of the Feingold-Reid amendment, the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to discuss the situation in Iraq and the continuing efforts of this administration and my colleagues on the other side of the aisle to paint a rosy picture, when the situation in Iraq suggests otherwise.

First, I thank Senator CARL LEVIN for the good work that he and the committee have done on drafting the Defense authorization bill. Next, I would like to take a few minutes to discuss Senator FEINGOLD's amendment.

I am a cosponsor of the Feingold amendment because I believe it is imperative that we change the mission in Iraq to reflect the ugly reality on the ground.

We are worse off today in Iraq than we were 6 months ago. The position of America, democracy and stability continue to erode. If there was ever a need for a change of course in Iraq, it is now.

Despite the fact that 70 percent of Iraqis believe that the surge has worsened the overall security and political situation of their country, it remains terribly clear that President Bush and my colleagues on the other side of the aisle are equally determined to maintain our present, failing course in Iraq.

Months ago, the violence in Iraq devolved into a civil war between the Shiites and the Sunnis, and U.S. troops are still stuck in the middle. Our troops have no business policing a civil war.

And the fundamentals in Iraq stay the same: there is no central government and the Shiites, the Sunnis and the Kurds dislike one another far more than they like or want any central government. This dooms the administration's policy in Iraq to failure.

That is why I am here in support of the Feingold amendment. This amendment will ensure that most our troops will be safely redeployed from Iraq by next summer, and those that remain will undertake a mission that reflects the reality in Iraq.

U.S. troops will conduct limited counterterrorism missions, and they will train Iraqi security forces that support the U.S. mission. We will not train Iraqis that have attacked U.S. troops.

This amendment will make sure that U.S. troops are no longer policing a civil war between the Sunnis and the Shiites. It will let the Maliki Government know that U.S. troops will not, nor cannot, remain in Iraq indefinitely. Only that understanding will make the Maliki Government move forward in the difficult process of political reconciliation that Iraq needs.

The Democratic Congress will continue to fight this administration's failing policy, and help chart a new way forward in Iraq. This amendment is the first step in that direction, and I strongly urge all my colleagues to support it.

I salute my colleague from Wisconsin for his undaunted leadership. He is way ahead of his time on this issue. I am a cosponsor of the Feingold amendment because I believe it is imperative we change the mission in Iraq to reflect the ugly reality on the ground. We are worse off today in Iraq than we were 6 months ago. Our troops are doing an excellent job—make no mistake about it—but if the whole purpose was to strengthen the Government, by every standard the Government is weaker. Despite the fact that 70 percent of Iraqis believe the surge has worsened the overall security and political situation of their country, it remains terribly clear that President Bush and my colleagues on the other side of the aisle are equally determined to maintain our present failing course in Iraq. To change that course does not require weak medicine. It requires strong medicine. That is what the Feingold amendment is.

Months ago, the violence in Iraq devolved into a civil war between the Shiites and Sunnis, and U.S. troops are stuck in the middle. Our troops have no business policing a civil war, and we should not continue to do that with our troops, with our dollars, and with the heart and soul of this Nation. We must change course, and we must do what it takes to change course.

That is why I support the Feingold amendment. It will ensure that most of our troops will be safely redeployed from Iraq by next summer, and those who remain will undertake a mission that reflects the reality in Iraq. This amendment will make sure U.S. troops are no longer policing a civil war between Sunnis and Shiites. It will let the Maliki Government know U.S. troops will not remain in Iraq indefinitely. Only that understanding will make the Iraqi Government move forward.

The Democratic Congress will continue to fight this administration's failing policy until we change it. One of the best tools we have to do that is the amendment offered by the Senator from Wisconsin.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York for his support and his very strong, effective statement about how important it is that we move forward on this amendment.

I now yield to another of our excellent cosponsors and supporters throughout this process, the Senator from New Jersey, 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the distinguished Senator from Wisconsin for his leadership on this issue. As someone who voted against this war from its outset, I rise in strong support of the Feingold-Reid amendment. The last time we gathered to vote on a change of course in Iraq was July 18, approximately 2 months ago. Since that day, the Iraqi Parliament, with its country in the grips of a civil war, with much work to do to achieve political reconciliation, took a month-long vacation. Since that day, four bombs were set off in concert in northern Iraq, leaving more than 500 dead, the deadliest coordinated attack since the beginning of the war. Since that day, despite a much ballyhooed cease-fire in Al Anbar, Shiek Abu Risha, our main ally in the province, was murdered, a mere 10 days after he shook hands with President Bush. Since that day in July when we last had a chance to change course, another 160 sons and daughters of America have lost their lives in Iraq. Another 160 flag-draped caskets flown to Dover, another 160 renditions of ''Taps'' played at tear-soaked funerals, another 160 American families who will have an empty seat at the table come Thanksgiving.

So here we are again. The calendar changes but the challenges do not. Yet again we meet on the Senate floor to consider another proposal to responsibly and safely transition our mission in Iraq and bring our troops home, out of another country's civil war. Yet again, as we have heard many times before through the course of this failed war policy, the President and his loyalists in this Chamber are using that tired refrain: The plan is working. It needs more time. We cannot leave.

Now, as then, these words ring hollow. The administration that brought us the search for weapons of mass destruction, the ''cakewalk,'' and ''last throes'' is now pitching ''a return on success.'' But this President lost his credibility on Iraq about the time he stood on an aircraft carrier underneath a banner reading ''mission accomplished,'' almost 4½ long years ago. The administration may be shopping a new catch phrase, but we are not buying anything they are selling anymore. The President, armed with questionable statistics, presented us an open-ended, no-exit plan for the sons and daughters of America who continue to fight and die in Iraq. As a matter of fact, he said it will be up to the next President, in 2009 and beyond.

The reality is that ''a return on success'' is ''staying the course'' by another name. We have tried this road. We have gone down it for 4½ years, with no turn of the wheel. Going down this road has diverted attention from Osama bin Laden, who is back in business and roaming free in a safe zone along the Afghanistan-Pakistan border. It has fomented terrorism, creating a training ground in Iraq and allowing al-Qaida to regroup to its strongest level since September 11, according to intelligence estimates. It has stretched our military thin, wearing down troops serving extended

tours, depleting our Reserves and National Guard, and compromising national security with a diminished preparedness to tackle other international threats. It has cost us dearly in national treasure and, most importantly, precious lives.

Going down this road has not brought stability to Iraq nor made us any safer at home. It is clear we are being driven down a dead-end street by an administration without a roadmap for a lasting peace. Now they expect the American people to buy the no-exit occupation they are selling, the deployment of more than 130,000 American troops for as far in the future as the eye can see. No end in sight?

Today we are living with the consequences of the administration's failed policy. Over 3,700 troops have been killed in Iraq since the beginning of the war, including 97 servicemembers with ties to the State of New Jersey. We have now spent over $450 billion on the war in Iraq, with a burn rate of $10 billion a month. Frankly, I never believed the administration's estimate that the so-called surge would only cost $5.6 billion, and these new numbers only prove once again we have been misled.

Despite the meager improvements in the Anbar Province cited in General Petraeus's report last week, the situation in Iraq continues to grow worse. Sectarian violence surrounding Baghdad has surged this past week in connection with the holy month of Ramadan. At least 22 people have been killed in a series of bombings and shootings in Diyala and Kirkuk. Moreover, GEN William Caldwell has reported there is evidence Sunni extremist groups in Iraq have been receiving funds from Iran. In terms of reconstruction, oil production in Iraq is still lower than it was before the war 4½ years ago, and Baghdad is getting approximately 7 hours of electricity a day, significantly less than before the war.

How can we be expected to support a war plan about which every independent report portrays a situation of chaos far away from stability or political reconciliation? In fact, according to the latest report card on Iraqi progress, the President's war policy is still flunking. Even if the debatable metrics used to compile the report are solid, half of the benchmarks have not even seen a minimal amount of progress. Now that it is clear the benchmarks are perhaps impossible to achieve with our current strategy, we see a concerted effort to play them down in terms of their importance.

In General Petraeus's testimony, it was evident. The original goals of the escalation, to give the Iraqi Government and political factions breathing room to achieve reconciliation, have not been met. The benchmarks are now an afterthought and success is being measured in different and less stringent terms. It is a recurring pattern that no longer fools anyone: Make a bold proclamation, fail to meet expectations, fail to meet legally established benchmarks brought in by the Iraqi Government as well as our own, passed in law by the Congress, signed by the President, change the discussion. Moving the goalposts may appease some in this Chamber, but it does not help us achieve a lasting peace that is ultimately more important.

When all else fails, the President and his supporters often respond to rightful criticism of their disastrous war plan with a question meant to change the subject: What are your ideas? What they fail to realize is a majority of Congress and an overwhelming majority of the American public have long been unified behind a course of action that we believe gives us the best chance for success and security, both in Iraq and at home. That is the purpose of this amendment. A responsible transition of our mission and withdrawal of our troops from Iraq on one hand gives a sense of urgency to the Iraqi Government and security forces that is currently absent. Until they actually believe we will not be there forever, they will not take control of their own country. At the same time, bringing our troops home allows our overburdened military to regroup. It allows us to have the capability to respond to other threats in the world that might arise. It allows the replenishment of our National Guard which is currently stretched so thin that response to disasters in the homeland has been affected. Yesterday it was announced that half the Army National Guard in my State of New Jersey—that is 6,200 soldiers—will be deployed as soon as next year, almost 2 years before the deployment was originally scheduled. That will leave our National Guard at half strength in a State at serious risk for a terrorist attack. That is 6,200 soldiers taken away from their loved ones to be tossed into another country's civil war.

Most important about our plan and this amendment, it allows American families who have been separated and stressed by an ill-conceived war to be made whole again. The alternative is an endless occupation in Iraq with more American blood spilled and no light at the end of the tunnel.

Throughout this war many have drawn the obvious parallels between this failed war policy and another quagmire 40 years ago. The comparison in some respects is valid and important. It is said those who do not learn the lessons of history are doomed to repeat it. Because I fear history is being repeated, I wish to draw upon the words of Robert Kennedy, who served in this Chamber and delivered this statement about the Vietnam War in March of 1968:

> We are entitled to ask—we are required to ask—how many more men, how many more lives, how much more destruction will be asked, to provide the military victory that is always just around the corner, to pour into this bottomless pit of our dreams?
>
> But this question the Administration does not and cannot answer, it has no answer. It has no answer—none but the ever-expanding use of military force and the lives of our brave soldiers in a conflict where military force has failed to solve anything in the past.

Our past teaches us our current struggle and our current predicament are best solved by a new course. Future generations will judge this war policy and the choice to continue it indefinitely harshly. They will still be paying the price. We have another opportunity today to write an end to this sad chapter, to turn the page and recommit to strengthening the military and targeting Osama bin Laden. We have the opportunity to change history for the better.

I urge my colleagues to begin that change today and vote for a new course in Iraq by supporting the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New Jersey for his sponsorship of our amendment and for his powerful statement on its behalf, recognizing the reality of what is happening in Iraq and our need to change course.

How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for 5 minutes to speak in opposition to the Feingold amendment.

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

Mr. GRAHAM. Mr. President, as to the author of the amendment, no one should ever question his motivation, his patriotism. He has been a firm believer that we should be out of Iraq as soon as possible. Senator FEINGOLD believes our continued presence in Iraq is creating more terrorism in terms of solving the problem; it is creating the problem in a larger sense. I personally disagree.

The reason al-Qaida went to Iraq is not because we were in Iraq. They went to Iraq because of what the Iraqi people are trying to do. We are all over the world. They have not followed us to every country we have been in. They have decided to make Iraq a central battlefront in their war against moderation because they fear a successful outcome among the Iraqis. The biggest fear of an al-Qaida member is that a group of Muslims will get together and be tolerant of each others' differences when it comes to religion, and elevate

the role of a woman so she can have a say about her children. That is why al-Qaida is in Iraq.

The military surge has produced results beyond my expectation. The old strategy clearly was going nowhere. After about my third visit to Iraq, after the fall of Baghdad, I had lost faith in the old strategy and those who were proposing it was working. This new general has come up with a new idea. This is not more of the same with more people. You are getting out behind walls. You are getting out into the community. We are living with the Iraqi Army and police force—very good gains in terms of operational capabilities of the Iraqi Army. We are going to have to start all over with the police.

But the surge has allowed a real diminishment of the al-Qaida footprint in Anbar Province. Anytime Sunni Arabs turn on al-Qaida anywhere in the world, that is good news. So the surge has provided us a level of security not known before. It has been al-Qaida's worst nightmare. There is still a long way to go.

Senator FEINGOLD's amendment would basically bring the surge to a halt. It would withdraw troops at a very rapid pace. We would be out of Iraq by June of next year. My big fear is, instead of reinforcing reconciliation, it would freeze every effort to reconcile and people would start making political decisions based on what happens to their country when there is no security.

The American mistake of the ages was letting Iraq get out of control, not having enough troops. We paid heavily for that mistake. Now we have it turned around. Militarily, politically they are not where they need to be in terms of the Iraqis. But the best way, I believe, to get political reconciliation to happen in Baghdad is to make sure those who are trying to reconcile their country—families—are not killed. So the better the security you can provide, the more likely the reconciliation.

One thing is for sure: more troops have helped embolden the Iraqi people in terms of extremists. They are taking on extremists after the surge better than they had ever done before the surge. I think this confidence given to the Iraqi people by a surge of military support has paid dividends.

We need political, economic, and military support to continue, not just because of Iraq but because of our own national interest. If I thought it were only about who ran Iraq, I would be willing to leave. It is not about who controls Iraq. It is about whether we can create a stable, functioning government in Iraq that would contain Iran and deny al-Qaida a safe haven. If it were only about sectarian differences and a power struggle for Iraq, it would be a totally different dynamic.

To me, Iran is ready to fill a vacuum. If we have a failed state, that is a military, political, and economic problem far worse than the ones we are dealing with now. A failed state is a state that breaks apart, people stop trying to work with each other, and regional players come in and take sides.

A dysfunctional government is what we have in Iraq, probably what we have here. A dysfunctional government has hope of getting better because people keep trying. So the way to have a government go from a dysfunctional status to a secure, stable status is to provide security. I want this dysfunctional government to act sooner rather than later, just as you do, I say to the Presiding Officer. The best way to make that happen is to ensure that the politicians involved understand we have a commitment to their cause that will embolden them.

The Feingold amendment, no matter how well intentioned, will reenergize an enemy on the mat and make it harder to reconcile Iraq. That is why I urge a ''no'' vote.

I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Ms. COLLINS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from Michigan, Ms. STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first thank my friend and colleague from Wisconsin for his foresight and his leadership on this very critical issue, the most critical issue facing our country.

I rise today to support the Feingold amendment, as I have in the past. The American people want us to stop this direction we are going in and to, in fact, bring our military home so they can be effectively refocused, to redeploy to address the real threats that are facing America.

We all heard during the Armed Services hearing the distinguished Senator from Virginia, Mr. WARNER, ask what I think is the most important question to General Petraeus. After General Petraeus had laid out the strategy and what was happening on the surge, Senator WARNER asked him: General, are we safer? Is America safer? He then first began to answer that question by talking about the fact that he was proceeding on the mission that had been given to him.

Then he was asked again, and I believe it was the third time he was asked by the Senator. He was asked: Is America safer? The general said: I don't know.

Three-quarters of a trillion dollars spent, lives lost—thousands of lives, hundreds of thousands of Iraqis and innocent civilians—and the answer is: I don't know. I think the American people do know.

I think the American people understand that when we are directing our forces—our brave men and women, the best trained, the most highly recognized and effective troops in the world—when we are placing them in the middle of a civil war in Iraq, and then we turn on our television sets and we see the man who has the organization that attacked us and killed over 3,000 Americans on American soil speaking to us through a video, commenting on American politics and what is happening here in the Senate, they are appalled. People understand we should be addressing ourselves to the people who attacked us and the real threats we have. We know where they are, at least close to where they are. We know the region, and we need to redeploy our troops to address the threats that have, in fact, been serious for America—not the middle of a civil war, but the people who attacked us, and those now who have joined them in their cause.

My husband is a veteran of the Air Force and the Air National Guard; 14 years. He reminds me all the time that our men and women in uniform are doing their duty to complete the mission that is laid out for them in a democratic society by their civilian leaders, by their President, by their Congress. They look to us, they are counting on us to make sure it is the right one, to give them what they need, but to also give them a strategy that makes sense. They are counting on us to ask tough questions, to probe. They are there putting their lives on the line every single day. Their families are at home sacrificing every single day, and they are counting on us to get this right.

As one of the people who voted no on going into this war in Iraq, I now join with colleagues in saying: Enough is enough. This has to change. There are real threats. We need to refocus and redeploy in the name of safety for Americans. But we need to make sure we are ending this civil war participation we have put our soldiers into. The Feingold amendment does this. It brings our troops home and refocuses them, redeploys them, as we should, in a way that will truly focus on the ways to keep us safe for the future, so that

when the next general is testifying before the Armed Services Committee and that general is asked: Is America safer, we can join together and say yes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am very grateful to the Senator from Michigan for her support and for her statement as well.

At this point, I want to turn to the majority leader. I am delighted that he has joined me on this amendment and has been such a strong leader over the many months since the election in trying to end this war in Iraq. I thank him for his courage and his leadership, and I yield him 10 minutes.

Mr. REID. Mr. President, I, too, appreciate the work of the junior Senator from Michigan on this legislation. She is truly a great Senator and does so much to help her State and our great country.

I don't seek any attention. I get some on occasion, but I don't seek it. But, today, I want everyone to understand. On this amendment, I want this amendment to be known as the Feingold-Reid amendment. I proudly add my name, as I have from the very beginning, to this amendment. This is the future. We must proceed, and we will, at some time with this legislation.

Yesterday, the Senate voted, once again, on legislation with real teeth that would protect our troops and prevent the President from irresponsibly overburdening these troops. It was a good amendment. It simply said: If you are in country for 15 months in a war in Iraq or Afghanistan, then come home and spend at least 15 months. The old rule used to be you would be home twice that long, three times that long, but now, no, we have our troops going back on fourth tours of duty within a couple of years. This has led to all kinds of problems in our States.

Look at the people who have been killed and injured during their second tour of duty or their third tour of duty. I can't get out of my mind, and I never will, Anthony Schober from Las Vegas—no, he was from northern Nevada—I am sorry. He knew he wasn't going to come back from his fourth tour of duty. He told everybody. He told his family. He said: I have been too lucky. I have had explosions next to me. I have survived them all. I have seen my buddies killed. I am not going to come back. And he didn't. He was killed. That is what the Webb amendment was all about.

The vote yesterday wasn't a vote of symbolism; it was a binding national policy. Yet, again, the Republican minority filibustered the Webb amendment. The reason I say ''filibustered the Webb amendment'' is because a majority in the House and the Senate support a change in direction of the war in Iraq. A majority in the House and a majority in the Senate have voted time and time again to change direction, to bring our troops home.

The rules in the Senate are such as they are, and I live by them, and I love this institution. The fact is, the Republicans have stopped us from enacting policies supported by a majority in the Senate and in the House and, by far, the American people by filibustering the Webb amendment, the amendment about which I just spoke.

We don't have to take my word for this. Headlines from newspapers from around the country—from the Wall Street Journal: ''Republicans Block Troop Measure.'' From the Associated Press: ''GOP Opposes Bill Regulating Combat Tours.'' From Reuters: ''Senate Republicans Block Iraq Bill.'' Headline after headline all across this country—''Senate Republicans Block Iraq Bill.''

I understand the Senate is a deliberative body that was created to prevent haste and promote consensus. But what we are seeing here on this issue, the issue of the war in Iraq, is a far cry from deliberation. It is obstructionism, strictly outright obstructionism. That is what we saw yesterday, and except for a courageous few, that is what we continue to see from the Republican Senate. They represent a small minority of the American people.

Countless Republicans have said the right thing. Countless Senators who are Republicans say the right things when they go home. They say: We must support our troops, we must protect our national security, and we must change course in Iraq. But here, these same Republican Senators, when they come back to Washington, have consistently voted the wrong way. They have voted to put their arms around the Bush war and to make it also their war. Back home, they assert their independence, but in Washington, they walk in lockstep with the President and continue to support his failed war.

General Petraeus, whom we have talked about all morning, has said the war cannot be won militarily. That is what he said. Can we work together? Of course we can. We have proven that. Not on this, not on the Iraq war, but we have worked together this year on bipartisan issues. We have made progress. We hope to have next week the SCHIP health care for children. We have done stem cell research on a bipartisan basis. We passed an energy bill with 62 votes; student financial aid—the largest probably since the GI bill of rights; minimum wage; mental health parity. We have done a lot of good things working together. The issue dealing with Iraq has been one side against the other.

I very much appreciate the Presiding Officer. The Presiding Officer has worked his heart out trying to come up with something that would change the course of the war in Iraq, and I admire and appreciate his having done this. He is continuing to do it. As we speak, he has people working to try to come up with something, a bipartisan consensus that would change the course of the war in Iraq.

I have reached out to my colleagues on the other side of the aisle time and time again. With the exception of about five or six courageous Senate Republicans, these efforts have been rebuffed. That is their right. I understand that. There is nothing the Democratic majority can do to force the Republican colleagues to vote the responsible way. When I talk about the Democratic majority, remember, it is a slim majority—51 to 49. With Senator JOHNSON ill until a week or so ago, it was 50 to 49. But so long as young Americans continue to fight and die and be wounded in another nation's civil war with no end in sight, we are going to keep fighting to responsibly bring them home, rebuild our military, and return our focus to fighting the real war on terror against Osama bin Laden and his al-Qaida network.

By the way, we hear today he has another video coming. I don't know if he will be gray-bearded this time or black-bearded, but he has another video coming, and it is on its way within a matter of a few days.

The President and his Republican supporters here in the Senate say we should just continue the current policy; things are going OK, so couldn't we just let things keep going on as they are, and hopefully—I guess they think things will turn out OK. But tell that to the 20,000 Iraqis who flee their country every month, left homeless and hopeless. Tell that to the families of innocent civilians, 1.2 million of them who have been killed in this war. Tell that to the 2 million Iraqi refugees who are in Jordan and Syria and anyplace they can find. Tell that to the families of 3,800 dead American troops, that things are going OK. Tell the families of the countless thousands who have been grievously wounded in this war that it is OK, we just need a little more patience and a little more time. Tell our troops who have served us so bravely, so bravely without proper equipment on occasion or rest, that now is not the time to change course of the war.

Today, we have another chance to forge a responsible and binding path out of Iraq. The amendment before us is the best path for the United States and for the people of Iraq. Should we care about the people of Iraq? Of course we should. The worst foreign policy blunder in the history of this country was the invasion of Iraq. Am I glad we are rid of Saddam Hussein? Of course I am. What we have done to that country I have outlined in some detail here this afternoon. This amendment changes our fundamental mission away from policing the civil war, reduces our large combat footprint, and focuses on those missions which are in the national security interests of our country. It uses Congress's powers, its constitutional powers to limit funding after June 1 of next year—that is well into the sixth year of the war—to counterterrorism, force protection, and targeted training of Iraqi forces.

This amendment recognizes we have interests in Iraq, but it does not facilitate the open-ended role of U.S. forces in a civil war. I urge my colleagues to support this responsible legislation. It is one more chance for the Senate to chart a new way forward in Iraq.

President John Kennedy:

A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all morality.

If we send this amendment to the President, those who voted for it can return home, look their constituents in the eyes, and tell them they had the courage to finally do what is right for our troops and for our country.

Let me close by saying this: As my good friend knows, the comanager of this bill, we came to the Congress on the same day of the same year 25 years ago. I respect the senior Senator from Arizona because he doesn't hide what he stands for. I admire him. He stands for what he thinks is the right thing to do. I disagree with him, but what I am criticizing is not my friend from Arizona. I am reaching out to my friends across the aisle who say one thing at home, issue press releases one way, and then come here and vote another way.

So it is time we do the right thing. I believe it is the right thing. Look what has happened to our country since this invasion took place. We are mired in civil war in Israel with Palestinians fighting each other, we have a near civil war in Lebanon, and we have this terrible situation in Iraq. We have Iran thumbing their nose at us, and our standing in the world community has gone down, down, down.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator FEINGOLD and echo the words of the Democratic leader, the majority leader, HARRY REID, and his comments about this war and about the future of our country and what we need to do. I rise in support of the Feingold amendment.

General Petraeus confirmed that our troops, operating under horrific conditions, are displaying the courage and the skill that define this whole engagement. Our troops have been courageous. Our troops have been skillful. Our troops have been effective. Our troops have been selfless. Our troops have done everything we have asked them to.

But the civilians at the Pentagon and the politicians at the White House have bungled this war. The administration is selling one war and fighting another. They are selling a war where they are saying with a little more patience, we can truly say ''mission accomplished,'' as if we didn't hear that last year and the year before and the year before that. The President's fighting of the war is one step forward, two steps back, and one that will require perhaps a decade-long engagement.

More than anything, Americans deserve the truth. We are losing men and women, without a clear idea of whether or when we can bring our troops home. We are refraining from redeploying troops based on possibilities—possibilities that are no worse than the realities we are facing now.

Especially and mostly, we have lost our focus. We have lost our focus on Afghanistan, on rooting out al-Qaida, finding Osama bin Laden, and protecting our borders. Instead, we spend $2.5 billion a week on a war—$2.5 billion a week on a war that even General Petraeus, by not answering Senator WARNER's question, acknowledges this war is making us no safer. So we spend $2.5 billion a week and the war is not making us safer and we are not doing what we should be in Afghanistan, what we should be doing in rooting out al-Qaida, what we should be doing in finding Osama bin Laden, and what we should be doing in protecting our borders.

Instead, we are mired in a civil war, with no end in sight. As long as the Iraqis, as Senator FEINGOLD said, and so many of us who have wanted to have a plan to redeploy our troops out of Iraq for 2 or 3 years now—as long as our commitment looks open-ended, as long as there is no end in sight to this civil war, there is no incentive for the Iraqis to do what they need to do; there is no incentive for a political settlement, where Sunnis and Shia and Kurds work together on a political settlement with a political compromise, and there is no incentive for the Iraqis because they think we are always going to be there in this open-ended commitment to the civil war. There is no incentive for them to do what they need to do to build a military security and police security force until the Iraqis know that, yes, there is an end date. We need to pass the Feingold amendment and the message will be that U.S. troops are going to redeploy out of Iraq, so it is now incumbent upon the Iraqis to do what they need to do through political compromise and through building their military and police security forces, and then Iraq can move forward. As long as we stay mired in a civil war and they think it is an open-ended commitment, we will continue to see this lack of progress.

Military victories we can win, and have, and our soldiers and marines have waged and won those battles. But until we have a political victory, a compromise, a settlement, and the Iraqis build up their own security forces, the war goes on and on. It is time to bring our troops home in the safest and most orderly way we can, as Iraq accomplishes other urgent goals, such as border security, and we address the issues in Afghanistan and with al-Qaida.

I support the Feingold amendment. It makes sense that we finally change course in Iraq and do the right thing for the Iraqi people and for our country.

Mr. LEAHY. Mr. President, I strongly support the Feingold amendment, of which I am a cosponsor. This is the strongest amendment for changing course in Iraq among the proposals that we will consider this week. It is the only proposal that addresses the President's failed Iraq policy head on, and that would begin the much needed redeployment of our forces within 90 days.

The invasion of Iraq, and the catastrophe it has caused for the Iraqi people, for Iraq's neighbors, and for the United States, must end. It has been a failure—a failure in terms of our strategic interests, a failure in making us safer, a failure in terms of the President's naive goal of imposing a new Iraqi Government by force.

Our troops have stepped up time and time again, many of them sacrificing their lives, and many more suffering severe injuries. Their performance has been superb. Despite what the President and some who defend his policies say, our troops are not the issue. The issues are the glaring shortfalls, and the appalling incompetence, of the President's strategy.

The ''surge'' has not brought the Iraqi factions any closer to political reconciliation, which after all is the ultimate goal of the surge strategy. In fact, the divisions among the Iraqi people—already deep because of the brutal manipulations of the Saddam Hussein regime—seem to be worsening. The White House seems to have no idea how to call things off and get our troops out from the middle of Iraq's civil war.

The cold hard truth is that the President has presented the American people with no real option, just more of the same. If the President is going to ignore our true national interests by prolonging this conflict, if the Commander-in-Chief of our Armed Forces is not going to take responsibility, then Congress, as representatives of the people, must be the catalyst to chart a new course.

The Iraqi Government is only getting more dependent on a continued American presence. It is the consensus view of our intelligence community, as reflected in the latest National Intelligence Assessment, that there is no prospect that in the next year the Iraqis will come together and reach a political settlement.

Even the new White House report, buttressed in part by the nonpartisan and professional General Accountability Office, shows that Iraq is getting a failing grade in its ability to meet key military and political metrics on its path toward reconciliation and stability.

The administration cites the positive developments in Anbar Province as justification for continuing this perpetual deployment of American forces. There has been progress there, much of it predating the so-called ''surge.'' Hundreds of members of the Vermont National Guard know how bad the situation was in Anbar less than a year and a half

ago, when these soldiers helped make up Task Force Saber in Ramadi. They were in the worst place in Iraq at the worst time. Since then the situation has clearly improved, and our troops and their commanders deserve credit and our thanks for that tough and dangerous work.

But the new-found calm is based on a set of agreements between Sunni tribes and American forces, not with the Iraqi Government. The Iraqi Government sees newly organized and perhaps newly armed groups of Sunnis as a threat to its power, and it is doubtful that will change any time soon.

In the meantime, the situation elsewhere continues to implode.

Passage of the Feingold amendment would force the Iraqis—and neighboring nations with a stake in Iraq's future—to recognize that the open-ended deployment of U.S. forces is ending. The drawdown of our forces, coupled with a strong U.S.-led diplomatic initiative, might bring about the political reconciliation that no amount of additional military force can bring about.

It might also cause Iraq's warring ethnic factions to go their own way, splitting the country into separate states. But that is where they are currently headed anyway. The administration's policies and incompetence have brought us to the point where there are no good options. But either of these scenarios is better than the future offered by the President. His war is costing us horrific casualties and enormous sums that could be better spent repairing our frayed international reputation and strengthening our security at home.

I urge my colleagues to take the only responsible step and pass this amendment that will finally bring our troops home.

Mrs. BOXER. Mr. President, I rise in support of the Feingold-Reid amendment.

This amendment would remove our troops from the middle of a civil war and give them three achievable missions. First, to conduct targeted operations against al-Qaida and affiliated terrorist organizations; second, to train and equip Iraqi security forces that have not been involved in sectarian fighting or attacks against our forces; and third, to provide security for U.S. personnel and infrastructure. For all other U.S. forces not essential to these three missions, the amendment calls for their safe redeployment beginning in 3 months and to be completed by June 30, 2008.

On May 16, the Senate failed to end a filibuster on the Feingold amendment by a vote of 29–67. Since that time, 389 Americans have been killed in Iraq. In fact this has been the deadliest summer for U.S. forces since the war began.

Our troops have done everything asked of them. They achieved every mission they have been given. When they were given a clear task, it was accomplished. Our military forces defeated the Iraqi army, hunted for nonexistent stockpiles of weapons of mass destruction, captured Saddam Hussein and his sons, provided security for three elections, and trained 350,000 Iraq police and army.

But there are some missions that are beyond the capacity of our military. Our military cannot give the Iraqi people the political will to achieve a national reconciliation among Sunni, Shia and Kurds. And, our military cannot convince Iraq's neighbors to play a positive role in ending the violence in Iraq.

The Iraqi people do not want us in Iraq and 70 percent of them believe that the surge has made the security situation worse.

Passage of the Feingold-Reid amendment will allow us to renew our focus on al-Qaida.

I voted to go to war against al-Qaida. I strongly supported the decision to use military force in Afghanistan to oust the Taliban government. But then this administration made one of the biggest strategic blunders in the history of this nation. It took its eye off of al-Qaida and became obsessed with Iraq, a country that had no links to al-Qaida.

The cochairs of the 9/11 Commission, Tom Kean and Lee Hamilton, recently wrote, ''no conflict drains more time, attention, blood, treasure and support from our worldwide counterterrorism efforts than the war in Iraq. It has become a powerful recruiting and training tool for al-Qaida.''

It is finally time to change the mission in Iraq and redeploy our troops out of the middle of this civil war.

And so, Mr. President, I urge the adoption of the Feingold-Reid amendment.

Mr. LEVIN. Mr. President, I agree with much of the Feingold amendment, particularly as it relates to the desire to transition the mission of U.S. forces in Iraq and to commence the reduction of U.S. forces from Iraq. Indeed, I have long sought those actions in an attempt to put the Iraqi security forces in the lead and to bring pressure on the Iraqi Government to make the political compromises necessary for reconciliation among the three main Iraqi groups.

My concerns with the Feingold amendment are principally two. First of all, the mission to which U.S. forces would be limited after June 30, 2008, are too narrowly drawn and would not, in my view, allow our forces to carry out the missions that would be required. For example, I don't believe we should limit the duration and scope of targeted operations against al-Qaida as the amendment provides. I also don't believe we should preclude our forces from being embedded with Iraqi forces. I also believe the continuing mission of U.S. forces should include providing logistic support to the Iraqi security forces, which is prohibited by the Feingold amendment. In that regard, I would note that the Independent Commission on the Security Forces of Iraq that was led by retired Marine general Jim Jones specifically pointed out the logistic shortfalls of the Iraqi security forces and that they would need to rely on Coalition support for this function.

My second chief concern is that restricting appropriations for our military sends the wrong message to our troops who are performing so heroically on the battlefield in Iraq. It would also pose extraordinarily difficult decisions for our field commanders. They could be faced, for instance, with determining whether a member of the Iraqi security forces has ever been involved in sectarian violence or in attacks against U.S. forces, because if they were they could not be trained by our forces under the terms of the amendment. Indeed, an incorrect determination could subject the commander to violations of our antideficiency laws which prohibit the expenditures of appropriated funds except to specified purposes.

It is concerns such as these which lead me to vote ''no'' on the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Senator from Ohio for his important statement. I am grateful to him. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between the two sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, we are about to have a vote. I again thank my friend from Wisconsin for the level of this debate. My only comment and conclusion is that I urge my colleagues to reject an amendment that basically returns the failed strategy we had for nearly 4 years. I keep hearing, as I did from the majority leader, it is time to change course, time to change course. Well, we did change course, thank God; that new course has been succeeding. Do we have a long, hard struggle ahead? Of course we do. After a few months of the new strategy—and I recognize the other challenges, such as the political one and the Maliki Government and the police. But I am convinced the new strategy can succeed and the consequences of failure, as outlined by people who were opponents for the war in Iraq initially—this course of action, going back to the old failed strategy would lead to chaos, destruction, deterioration, and an eventual return on the part of American military people with further service and sacrifice.

I again thank my friend from Wisconsin for his level of debate. I respect

very much his commitment to the security of this Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I, too, thank the Senator from Arizona for the quality of the debate and, in particular, on such a difficult and emotional issue. I thank all the leadership on our side for speaking on behalf of our amendment.

I appreciate, in particular, the Senator's last comment. He and I share one top priority, and that is the national security of the United States of America. We disagree on what role this Iraq situation plays. I think it weakens our country; he happens to think it will strengthen our country. But our goals are the same.

This amendment is a reflection of my belief and the majority leader's belief that the only way to truly respond to those who attacked us on 9/11 and stop them from continuing activities is to stop the hemorrhaging of our country regarding the Iraq intervention.

With that, I yield the remainder of my time.

Mr. MCCAIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Ms. CANTWELL) would vote ''yea.''

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—28

Akaka	Harkin	Obama
Boxer	Inouye	Reid
Brown	Kennedy	Rockefeller
Byrd	Kerry	Sanders
Cardin	Klobuchar	Schumer
Clinton	Kohl	Stabenow
Dodd	Lautenberg	Whitehouse
Durbin	Leahy	Wyden
Feingold	Menendez	
Feinstein	Murray	

NAYS—70

Alexander	Carper	Crapo
Allard	Casey	DeMint
Barrasso	Chambliss	Dole
Baucus	Coburn	Domenici
Bayh	Cochran	Dorgan
Bennett	Coleman	Ensign
Bingaman	Collins	Enzi
Bond	Conrad	Graham
Brownback	Corker	Grassley
Bunning	Cornyn	Gregg
Burr	Craig	Hagel
Hatch	McCain	Smith
Hutchison	McCaskill	Snowe
Inhofe	McConnell	Specter
Isakson	Mikulski	Stevens
Johnson	Murkowski	Sununu
Kyl	Nelson (FL)	Tester
Landrieu	Nelson (NE)	Thune
Levin	Pryor	Vitter
Lieberman	Reed	Voinovich
Lincoln	Roberts	Warner
Lott	Salazar	Webb
Lugar	Sessions	
Martinez	Shelby	

NOT VOTING—2

Biden	Cantwell

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of all Members, the two managers are trying to work out a consent agreement that we would move next to the Levin-Reed amendment, and we would debate that this afternoon and vote on that in the morning. We are having a difficult time trying to figure out what time to do it in the morning. Some want early, some want late, but it won't be earlier than 10:30. We will work that out in just a bit, as soon as the two managers have this under control.

After that, with the permission of the minority, after we finish the Levin-Reed amendment, we will move to the Biden amendment. The managers of the bill know what that amendment is about, and we will have further information later, but that at least outlines today and tomorrow.

The Republican leader and I are talking about how to work through Monday. There are different scenarios we are working on. One thing is for sure, we are going to do WRDA. We are going to move to that tomorrow, and we will complete that sometime Monday or Tuesday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, there will be no more votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate resumes consideration of H.R. 1585 tomorrow, Friday, September 21, that the time until 9:50 a.m. be equally divided and controlled between myself and Senator MCCAIN or our designees; that the time from 9:50 to 10 a.m. be under the control of the two leaders or their designees, with the majority leader or his designee controlling the final 5 minutes; that at 10 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the Levin amendment, with no amendment in order to the amendment prior to the vote; that the amendment be subject to a 60-vote threshold, and if it does not achieve that threshold, the amendment be withdrawn; that upon disposition of the Levin-Reed amendment, Senator BIDEN be recognized to offer his amendment; that whenever the Senate resumes consideration of the Biden amendment, there be 30 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senators BIDEN and MCCAIN, or their designees, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I will not object. I wish to make it clear, according to the discussions the chairman and I had, the next amendment that would be offered would be the Lieberman-Kyl amendment, and this—we are not exactly sure when that happens, because we are not sure at what point we return to the Biden amendment. It could be possible, if we are not prepared to resume debate on the Biden amendment, we could begin debate on the Kyl-Lieberman amendment. But, in any case, the Kyl-Lieberman amendment would be scheduled for consideration depending on how it fits in with the Biden amendment.

I hope I was not confusing in that comment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask the Senator to yield.

It is my understanding we are attempting to go back and forth when there are amendments on both sides, and that the floor manager, Senator MCCAIN, would have the opportunity in any event to designate Senator KYL to offer an amendment.

I would agree that that then be the next amendment, if that is his intent, after the Biden amendment is either disposed of or is pending, and for reasons that are obvious needs to be set aside, because it is not ready for resolution, then we would go to the Kyl-Lieberman amendment.

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

The majority leader.

Mr. REID. Madam President, we were of the understanding that we had worked something out on WRDA, and hopefully that is the case, that we would not have to do the cloture vote

at noon on Monday, that we would have a vote on final passage of the bill at 5:30. But everyone should be aware that it appears someone on the minority side has objected to that. If that is the case, we are going to go ahead and have our noon vote. I thought we had worked that out and I hope we can. But in fairness, whoever is holding this up, let us know one way or the other, because Members need to know about what their schedule is going to be on Monday. We have people coming in from all over the country. Some people have to take all-night flights to get back for that 12 o'clock vote. Whoever is trying to make a decision on this, I wish they would do it as quickly as possible—today is Thursday—in fairness, so people can make their weekend plans. We should know if, in fact, we are going to have a vote at noon on Monday.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, parliamentary inquiry: Under the unanimous consent that is now in operation, it is my understanding the Levin-Reed amendment would be called up. Is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2898 TO AMENDMENT NO. 2011

Mr. LEVIN. I call up the Levin-Reed amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. REED, proposes an amendment numbered 2898 to amendment No. 2011.

Mr. LEVIN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by not later than nine months after the date of the enactment of this Act.

Mr. LEVIN. Madam President, as I understand it, there is no time agreement on this, other than that we complete debate today on the Levin-Reed amendment, except for the time allocated tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I rise in support of the proposal my colleague Senator LEVIN has offered. I participated in this with him. This is a legislative proposal we have advanced in various forms for over a year. It seeks, quite simply, to initiate a withdrawal of our forces from Iraq. I think it is interesting to note that General Petraeus announced he too is recommending a withdrawal of forces, about 5,700 troops, before the end of this year, which essentially complies with at least a portion of our proposal dating back over a year.

But it goes further than that. It would require a transition to three discrete missions from the open-ended war-based mission that today our forces are pursuing.

The first mission would be counterterrorism, which is essential not only in Iraq but across the globe. That requires attention, energy, and persistence, and we would urge and support such a mission in Iraq; not just in Iraq, but, frankly, worldwide.

The second mission would be to continue to train Iraqi security forces and provide robust training, support for those forces, because we need to provide the Iraqis the ability to defend themselves and pursue opponents of the legitimate Government of Iraq. Third, and something that is essential every time we deploy our forces, is to protect our forces, to give commanders in Iraq the ability and the forces needed to ensure that American forces will be protected. Those three missions represent not only what is in the long-term interest of the United States but also within the capacity of the United States to effectively carry out not just in the next several weeks or months but for a period of time.

My perspective has always been that the President is much more comfortable with slogans than strategies. We have a new one now, ''return on success.'' It follows a long line of slogans, ranging from ''when they stand up, we will stand down,'' ''mission accomplished,'' and many others. But what we need now at the national level, not at the circumscribed level of just Iraq, is a national strategy that in the long run will deal with the significant threats that face this country.

In the interim of our involvement with Iraq, starting several years ago, we have seen some remarkable developments which suggest very strongly that the strategy the President pursued is deeply flawed. We have seen the resurgence of al-Qaida. That is not the opinion of myself alone. It is the conclusion of the National Intelligence Estimate most recently released to the public. We are seeing a virtual—in fact, a real safe haven in Pakistan for bin Laden, Zawahiri, and others. And from that relative area of safety for them, unfortunately, they are able both to direct in a limited way actions across the globe and also to inspire other unrelated cells who are conducting these operations.

We just witnessed recently in Germany where, through good police and intelligence work, the capture of a cell comprising ethnic Germans who converted to Islam and Turks, who were contemplating a major terrorist attack against American facilities, not perhaps directly related to al-Qaida but certainly inspired. And there is evidence that suggests perhaps there was even some remote link. But they are there in Pakistan in a safe haven. It seems to me ironic that the President would talk about creating a safe haven in Iraq when, for all intents and purposes, we are at least acknowledging, recognizing, perhaps even not effectively acting against the safe haven in Pakistan.

Also, when it comes to the discussion of a safe haven for Sunni jihadists in Iraq, we have to recognize, too, that one of the benefits of the last several weeks in Iraq has been what is required and called the Sunni awakening. That has been an incidental result of our increased troop presence. It was not the purpose, but certainly it is a favorable development. That is simply the result of Sunni sheiks realizing that Sunni jihadists of al-Qaida are more a threat to them, to their families, and to their way of life than the new government in Baghdad or the presence of American forces. Through the able and effective and courageous work of American soldiers and marines, these sheiks have been enlisted to attack and are attacking al-Qaida elements. That is a positive sign and tends, in my view, to mitigate against those dire warnings that there will be an automatic and predictable reflexive creation of a safe haven for al-Qaida in Iraq.

In addition, there is a Shia government there that is committed to certainly disrupting and eliminating Sunni insurgents, particularly al-Qaida

insurgents. So we see, in terms of the strategic picture, a virtual or a real safe haven in Pakistan, arguably problems in Iraq, but certainly I think showing how our preoccupation in Iraq is taking our eye off a much more serious and potential threat.

The other very serious threat that faces us in the region and worldwide is the growth of Iran. That growth has been fueled by oil prices at $80 a barrel. That makes their bottom line look a lot better and gives them a greater sense of confidence as they look out and pursue their plans.

Second, frankly, is our vulnerabilities in Iraq, the fact that the Iranians have strong influence in that country, the fact that the government in Baghdad, the Maliki government, has not just associations but long-time associations with Iranians. They are coreligionists. I am not trying to suggest that they are agents or clones, but there certainly is a rapport and understanding and an appreciation of the proximity of the Iranians and their potential impact in Iraq. That situation has given rise to a resurgence and a strategically more empowered Iran. So you have a strategy that the President has pursued that has not mitigated these major threats against the United States but actually has enhanced them. That might be the definition of a bad strategy.

So our involvement in Iraq has taken us away from critical threats. In that term alone, we have to begin to think seriously about our approach forward. The status quo has not worked. There is scant evidence it will in the next several months.

There is another issue we have to look at. That is not only in terms of the strategic threats, but it is our capacity. The real driving factor in the proposal that General Petraeus made is not what is happening on the ground in Iraq, it is the force structure. It is the number of Army and marines that we have to commit. If you talked to anyone months ago, they could have told you essentially what General Petraeus was going to say, which is by next spring, beginning in April and going through July, we would have to reduce by 30,000 our forces in Iraq; that the surge had an end point unrelated to what was happening on the ground, to the success or lack of success. Simply we could not sustain that large a combat force on the ground. That is essentially what General Petraeus confirmed in his testimony to the Congress when he returned from his mission in Baghdad.

So we are limited in what we can do. That is not a function of success, return on success, or anything else. In fact, I was always under the impression that in a military context, when you have success, you reinforce it. You don't talk about a return on success, you reinforce it. But, quite frankly, we do not have the resources available to reinforce. So we are being driven by the constraints of our military forces more than what is happening on the ground. We have to respond to that.

It also drives the real question: In the next several months, after the surge is over and it has been announced it is over, what missions can we responsibly take on, what missions will support our national security, and what missions will be within the grasp of our manpower and personnel resources? Again, that underscores the need for change and underscores the need for adoption of limited missions as we propose in the Reed-Levin amendment.

When General Petraeus came before the committee, he made several points. First, he would recommend a redeployment of forces this year. That is something we have been arguing for and urging for over a year, many of us. Many accusations have been hurled at us that we were irresponsible and reckless. They are not being hurled at General Petraeus. But the reality is, he, too, recognizes that we have to begin to redeploy our forces. Second, he is talking about reducing the forces by 30,000. If you recall, the military premise of the surge was, if you inserted 30,000 additional troops focused on Baghdad, you would have now sufficient forces to conduct a different type of mission, population protection. You could disperse them in the localities. You could conduct more aggressive patrolling.

I think the announcement by General Petraeus that those troops are coming out begs the obvious question: How do you maintain that population protection mission without those 30,000 troops, and particularly without, as most people recognize, the ability of the Government of Iraq to replace our forces with reliable Iraqi security forces? In a sense, the progress we have seen—and there is progress on the ground; there is tactical momentum. No one should be surprised when we commit American forces to a mission that they obtain dramatic and immediate results. But the real question is, are those successes permanent or transitory? Are they reversible or irreversible?

My sense is that they are highly reversible, that as we depart, insurgents, opponents of the Government in Iraq, will move back in and try to exploit the absence. Without a sufficient and reliable Iraqi security force, that probably could be accomplished. So I think that just the numbers drive us to start thinking about missions that we can perform.

The other factor of General Petraeus's testimony is that he very clearly begged off from any suggestion of what do we do after next June or July. Frankly, we have to have a strategy, a plan that goes beyond the next 6 months. It is unsatisfactory that both, it seems, the President and, indeed, the commander on the ground will say simply they don't know. No one knows perfectly, but we have to have at least their sense of what their best guidance is beyond that in terms of troop levels, in terms of some of the questions I have raised.

Going back, again, to this notion of troop levels, if you recall, the focal point of the surge was stabilizing Baghdad, a large city, stable population. But the operations since then necessarily have taken our forces well beyond Baghdad, and the areas in dispute in Iraq are well beyond Baghdad. So the simple calculation of military forces versus population has been thrown out the window in the sense of the appropriate level of forces versus the real population and the real area that we are trying to stabilize.

In this regard, we have to recognize what is happening in the south; that is, the British forces are, for all intents and purposes, withdrawing into base camps. Their presence has shrunk dramatically, roughly 5,000 troops. That area now is becoming an area that is extremely hospitable to Shia militia, to Iranian influences, and has a long-term potential to provide further instability in the country. Yet we don't have the forces to go down there. We are not attempting to go down there, and yet that poses a real challenge to the long-run security and safety and stability of the country.

I sense, for all these different reasons, that we do have to change our course. That is at the heart of the Levin-Reed amendment, to identify, first, clearly the direction of our forces, which is to begin a phased redeployment; second, to focus on missions that are within our capacity and will, to the best of our capacity, advance our interests in the region, not just in Iraq but in the whole region.

We all were waiting for the report of General Petraeus and Ambassador Crocker. There were other reports. General Jones and the General Accounting Office came forth almost simultaneously. We hoped these reports would provide both the President and the Congress with the information they needed to begin to change our direction in Iraq.

Unfortunately, it appears at this juncture, unless we are successful with this amendment, that change is not going to take place.

The GAO was the first to release their report, and it was sobering by anyone's standards. Of the 18 economic, security, and legislative benchmarks set by the Iraqis themselves last January, GAO found that 3 had been met, 4 had been partially met, and 11 had not been met.

I think it is important to emphasize—because now the benchmarks were being seen as, oh, just some interesting construct of the Congress unrelated to what was happening in Iraq, et cetera—but these were the points the Iraqis stressed as critical to their progress. They were the points that were deliberately embraced by the President of the United States.

In January, when he talked about the surge, part of that—a large part of it—

was to allow the Iraqis the political space, the time to achieve these benchmarks. What appears to have happened, having failed the test, the President decided the test was not worth giving, and he ignores the results. But those results, I think, speak volumes.

For example, the Iraqi Government still has not completed revisions to the constitution, or enacted legislation on de-baathification, oil revenue-sharing, provincial elections, amnesty, or military disarmament.

When Ambassador Crocker was here, he said: Well, we have not done it formally out there, but they informally are distributing the oil revenues. That goes, I think, to the point I have tried to suggest in other contexts. If it is informal, then it is highly reversible. If it is informal, it is transitory. Legislation is not as reversible and transitory. We do a lot of that around here, but at least you have to go back through the legislative process. But these informal arrangements may be just temporary and expedient, and probably are temporary and expedient. But the real work, the commitment the Government of Iraq made months ago to make these changes, has not been accomplished.

The Iraqi Government has not eliminated militia control of local security, eliminated political intervention in military operations, ensured even-handed enforcement of the law, increased Army units capable of independent operations or ensured that political authorities made no false accusations against security forces.

Again, we have been engaged for years in training Iraqi security forces. At the entry level of that training—to give the ability of a squad leader to read a map, to call indirect fire, to call a medevac—we have made progress. To give the skills for an individual infantryman to low-crawl, to clear a building, we have made progress. But it is at the critical levels where politics and security intersect that there has not been the adequate progress. That is the most decisive level. Until there is a force in Iraq that is not only technically capable but can operate with a certain degree of independence, then their ability is, I think, undermined. We are making progress in that direction.

The Levin-Reed amendment calls for the continued training to achieve not just technical proficiency but we hope some day a force that is professionally capable and deployed in a way where they can secure the country of Iraq—their country—without fear or favor with respect to political or sectarian allegiance.

Now, the Iraqi Government also pledged to spend $10 billion of their own money on reconstruction. We have sent billions of American dollars over there for reconstruction. To date, only $1.5 billion of Iraqi funds has been allocated to do that. I think it raises the question among many Americans: If we are spending all these billions of dollars—and the President is going to send the supplemental up shortly asking for billions and billions of dollars more—why cannot the Iraqis spend at least their own money they have for their own people for their own needs? I think it is a question that the longer it goes unanswered, the more unsettling it is to the American public.

The GAO also noted:

> It is unclear whether sectarian violence in Iraq has decreased—a key security benchmark—since it is difficult to measure the perpetrators intent and other measures of population security show differing trends.

The situation, which is understandable given the chaotic nature, given the conflicting motivations that are engulfing the country and producing violence—it is hard to say what is criminality, what is a politically motivated event, what is the mixture of the two—but these measures, I think from our perspective, whether they go up or down, probably do not suggest the atmosphere which most Iraqis endure, which is an atmosphere of violence, potential violence, of fear. It is an atmosphere that has caused 2 million people to be external refugees, 2 million people, roughly, to be internally displaced.

It also is reflected in polling conducted within Iraq about the sense of security and the sense of the future the Iraqi people have. These numbers have been declining. It was at a zenith, obviously, after the operations in March 2003. But since then there has been, I think, a significant and continued deterioration. Because this violence—to us it makes a difference that it is sectarian versus criminal—but to someone on the street, it is violence. Again, the progress in stabilizing the country that the Iraqi Government said they were committed to has not materially been changed throughout the country.

Now, General Petraeus and General Jones did report improvements in the Iraqi security forces, and they should be recognized. But the progress is uneven and slow. I suggested at the zenith, where it is most critical in terms of stability of the country, where it is commanders, not squad leaders, who are making decisions, that is the most difficult to achieve, and it is, so far, lagging based upon the reports we have heard.

Now, we recognize the last 2 years have been enormously challenging for the Government of Iraq and our participation there. We recognize, too, that both General Petraeus and Ambassador Crocker came with great experience, great professional acumen, and great patriotic service to the country, and gave us their best report.

There is another aspect of this debate which is as important as what is going on in Iraq, and that is what is going on in the United States. Frankly, the support for our operations has rapidly faded since the heady days of March 2003. Before the September reports by Ambassador Crocker and General Petraeus and the speech by the President, 64 percent of Americans polled by CBS felt things were going badly in Iraq; after the reports and speech, 63 percent.

My point is, that is an important factor in the conduct of any national security policy: the support of the American people. In fact, the manual General Petraeus helped author at Fort Leavenworth, the counterinsurgency manual, makes that point specifically, that public support within the United States is a critical—critical—attribute for policy, particularly long-term policy in a counterinsurgency conflict.

We have seen, frankly, the American public being quite concerned, in fact disheartened, about what is happening in Iraq. I think that also calls—in addition to what is happening on the ground—for a change in our policy, for a change in the direction Senator LEVIN and I are suggesting.

It is very difficult and some would argue impossible for any administration to carry out a policy without the strong support of the United States, particularly a policy that does not seem to be matched by an equal commitment by those whom we are trying to help. I believe we do need a change of policy, not only because it is a more effective way to go forward, but it, I think, would represent to the American people a needed sense that we have heard them, we are moving forward, and we are moving forward in a way that can be sustained and be supported by the American people.

Everyone has to recognize the extraordinary contribution of our military forces. They are serving well, and they continue to serve well. But I think their effort has to be matched by a wiser policy on our part. That policy, I think, is necessary. I hope we can do that within the context of the amendment we propose.

There is another issue here, too, and that is not just public support but also the financial support. We are spending $12 billion a month in Iraq, Afghanistan, et cetera. That price keeps going up. We understand the costs are not short term. There are hundreds of thousands of veterans coming out of the gulf who for the next 50 years will require support and assistance. This is not going to be something that when we look back 5 or 10 years, even when the fighting stops, we can ignore. We have a long-term commitment to these individuals and a long-term costly commitment. We have to measure our policy against our resources, not just the brave men and women who serve, but our ability to finance their operations and finance their long-term care as they come back.

This amendment, as I indicated previously, calls for a transition which I believe is long overdue, a transition to counterterrorism, a transition to training Iraqi security forces, and protection of our forces, coalition forces. I think the transition will help us in terms of what is happening on the ground, what is happening in the country, and what should be happening in the region.

Also, our amendment talks about a very aggressive diplomatic approach, something I think has been missing. We have to engage the regional community and the world community to help us. I think there might be an opportunity, indeed, when we talk about the context of training, to go forward to our allies in NATO and say: You could help us on this training mission. This is not a direct combat operation. This is something well within the capacity of your armies across the globe. This could put an international approach to our problems, which would be very helpful not only in terms of putting men and women on the ground to assist the Iraqi security forces, but indicating this is not America's problem alone, this is an issue that should be addressed by all the nations of the world.

Now, for 5 years our military forces have fought with valor, courage, and sacrifice. Their families have borne their absences. They have supported them remarkably and magnificently, and I think that has to be recognized. But we have to provide them a diplomatic support that has been lacking all these years.

Many of my colleagues have traveled to Iraq many times. I have. Since the beginning, there has not been an adequate complement through diplomats and AID personnel and agronomists, and all the specialists you need to provide the public nonkinetic—as military people describe it—aspects of counterinsurgency. Those forces have been lacking. There have been efforts recently to improve them, but they are still significantly lacking.

So for many years—all these years—we have had an Army and Marine Corps at war, supported—I should say not just supported but it has intimately involved all our services—but we have not had the full commitment of our national resources. We have not had a full commitment of our civilian agencies that is so necessary. Today, that, I think, is not being manifested enough. So for that reason, also, I think we have to recognize a change is necessary.

I hope we can change the policy. I think in the long term it will be beneficial to the United States. I hope we will allow ourselves to begin to focus more resources on threats that are, I think, much more severe: the virtual safe haven in Pakistan from where bin Laden sends tapes to us and al-Zawahiri sends tapes to us that inspire terrorist organizations in Europe that are approaching closer and closer to the United States—that was, I think, the whole premise for our global war on terrorism, to effectively prevent another attack on our homeland—the growing power of Iran, not only in terms of its influence in the region, its connection to other terrorist groups, but its aspirations to be a nuclear power, which we are finding very difficult to counter diplomatically.

I hope we can refocus our efforts in Iraq, and we can also refocus our efforts to meet these other emerging and very dangerous threats.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I rise to oppose the amendment offered by the chairman and the Senator from Rhode Island that would mandate a withdrawal of U.S. forces from Iraq.

Again, we find ourselves on the floor of this Chamber debating an amendment that is nearly identical to one that failed 2 months ago. The pending amendment would mandate a withdrawal of U.S. combat forces within 90 days of enactment, leaving a smaller force authorized only to carry out narrowly defined missions. And the Senate faces, once again—faces again—a simple choice: whether to build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission or to ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue.

Many Senators wished to postpone this choice, preferring to await the testimony of General Petraeus and Ambassador Crocker. Last week, these two career officers reported unambiguously that the new strategy is succeeding in Iraq. Knowing what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—a measure of courage is required, not the great courage exhibited by those brave men and women fighting on our behalf but a smaller measure, the courage necessary to put America's interests before every personal or political consideration.

It is important that as we proceed with consideration of this amendment, we spend a few moments reviewing the current state of affairs in Iraq. We see today that after nearly 4 years of mismanaged war, the situation on the ground in Iraq shows demonstrable signs of progress. The final reinforcements needed to implement General Petraeus's new counterinsurgency plan have been in place for over 2 months, and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. The No. 2 U.S. commander in Iraq, LT GEN Ray Odierno, said today the 7-month-old security operation has reduced violence in Baghdad by some 50 percent, car bombings and suicide attacks in Baghdad have fallen to their lowest level in a year, and civilian casualties have dropped from a high of 32 per day to 12 per day. His comments are echoed by LT GEN Abboud Qanbar, the Iraqi commander who said that before the surge began, one-third of Baghdad's 507 districts were under insurgent control. Today, he said: ''Only 5 to 6 districts can be called hot areas.'' Anyone who has traveled recently to Anbar, Diyala or Baghdad can see the improvements that have taken place over the past months. With violence down, commerce has risen, and bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit.

None of this is to argue that Baghdad or other regions have suddenly become safe or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus's contention last week that American and Iraqi forces have achieved substantial progress under their new strategy.

It is instructive to reflect on how far some areas have come. One year ago, in September of 2006—1 year ago, September 2006—The Washington Post ran a story titled: ''Situation Called Dire in West Iraq; Anbar is Lost Politically, Marine Analyst Says.'' After an offensive by U.S. and Iraqi troops cleaned al-Qaida fighters out of Ramadi and other areas of western Anbar, the province's tribal sheiks, disgusted by the brutality and blatant disregard for human life exhibited by their aggressors, broke formally with the terrorists and joined the coalition side. As a result, Anbar, which last year stood as Iraq's most dangerous province, is now one of its safest.

By the way, many critics of the war say that change would have happened without the surge. That is patently false. The fact is, when the sheiks decided to come over to our side, a brave colonel named MacFarland immediately sent 4,000 marines to protect them, and General Petraeus has testified that if they hadn't had those troops, then we probably would not have seen Anbar in the condition that it is in today.

I asked General Petraeus, and he said the following:

> The success in Anbar Province, correctly, is a political success—

By the way, something we all seek——

> But it is a political success that has been enabled, very much, by our forces who have been enabled by having additional forces in Anbar Province.

Ambassador Crocker added:

> Such scenes are also unfolding in parts of Diyala and Ninewa, where Iraqis have immobilized with the help of Coalition and Iraqi security forces.

So as we all know, without military security, there is no political progress, and that political progress is only enabled by the substantial military presence that was provided by the surge.

As in Anbar and elsewhere, where local populations have turned on al-Qaida's brutal methods, there are reports of Shia extremists encountering a similar reception. Recent attacks by the Mahdi Army on worshipers in the holy city of Karbala prompted a public backlash that led Muqtada al-Sadr to

order a suspension of all military actions by his followers against Iraqi and coalition forces.

In Baghdad, the military, in cooperation with Iraqi security forces, continues to man joint security stations and deploy throughout the city in order to bring violence under control. These efforts have produced positive results. Sectarian violence has fallen since the beginning of the year. The total number of car bombings and suicide attacks declined, and the number of locals coming forward with intelligence tips has risen.

None of this is to suggest the road in Iraq remains anything but long and hard. Violence remains at unacceptable levels, the Maliki Government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, then we will fail for certain.

Let's make no mistakes about the costs of such an American failure in Iraq. Many of my colleagues would like to believe that should the amendment we are currently considering become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back in Iraq and elsewhere. That is not just my view but that of General Jones and others, in many more desperate fights to protect our security and add an even greater cost in American lives and treasure.

In testimony before the Armed Services Committee last week, General Petraeus referred to an August Defense Intelligence Agency report that stated:

A rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi security forces, a rapid deterioration of local security initiatives, al-Qaida-Iraq regaining lost ground and freedom of maneuver, a marked increase in violence, and further ethno-sectarian displacement and refugee flows; an exacerbation of already challenging regional dynamics, especially with respect to Iran.

Those are the likely consequences of a precipitous withdrawal, and I hope the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action.

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Earlier this month, GEN Jim Jones testified before the Armed Services Committee on the effects of such a course.

The supporters of this amendment respond that they do not by any means intend to cede the battlefield to al-Qaida. On the contrary, their legislation would allow U.S. forces, presumably holed up in forward-operating bases, to carry out targeted counterterrorism operations. But our own military commanders say this approach will not succeed and that moving in with search-and-destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed Rumsfeld strategy of the past nearly 4 years. We should not and must not return to such a disastrous course.

It has become clear by now that we cannot set a date for withdrawal without setting a date for surrender. Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safe havens, and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of the Iranian President who said:

The political power of the occupiers is collapsing rapidly. Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap.

If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian-dominated Middle East that is roiled by a wider regional war and riddled with terrorist safe havens.

The hour is indeed late in Iraq. How we have arrived at this critical and desperate moment has been well chronicled, and history's judgment about the long catalog of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and sacrifice of those Americans who, despite the mistakes and failures of both civilian and military leaders, shouldered a rifle and risked everything so the country they love so well might not suffer the many dangerous consequences of defeat.

That is what General Petraeus and the Americans he has the honor to command are trying to do—to fight smarter and better in a way that addresses and doesn't strengthen the tactics of the enemy and to give the Iraqis the security and opportunity to make the necessary political decisions to save their country from the abyss of genocide and a permanent and spreading war. Now is not the time for us to lose our resolve. We must remain steadfast in this new mission, for we do not fight only for the interests of Iraqis, we fight for ours as well.

In this moment of serious peril for America, we must all of us remember to whom and what we owe our first allegiance—to the security of the American people and the ideals upon which our Nation was founded.

This is the same amendment that was rejected 2 months ago. In the intervening 2 months, our opposition to this amendment has been validated by the progress on the ground of the military strategy which General Petraeus designed and our brave young Americans who are serving have implemented. So we are here 2 months later with tangible success on the ground and addressing the same amendment. The effect of this amendment would return us to the failed strategy of nearly 4 years ago. If there was any doubt the last time in anybody's mind about whether we should go back to that failed strategy of the past or we should continue with this successful strategy, I think the events of the last 2 months, since we rejected this amendment the last time, should convince the objective observers.

So I hope my colleagues will understand this debate and this amendment is very important, and it is very important to the security of the United States of America, the region. We must never forget that if we fail—if we fail—Americans will be called back sooner or later and called upon to make greater service and sacrifice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask unanimous consent that the Biden amendment identified in a previous consent agreement be subject to a 60-vote threshold, and that if the amendment does not receive 60 votes, it be withdrawn.

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

Mr. LEVIN. Madam President, there isn't any dispute about whether a stable and independent Iraq is in our national interest. Some of us disagreed with the way we went to war with Iraq 4½ years ago. We have disagreed, many of us, with many of the Bush administration's policies in Iraq since then, including ignoring the advice of senior military leaders such as General Shinseki in planning the invasion, failing to properly plan for the occupation and its aftermath, disbanding the Iraqi Army, banning low-level Baath Party members from post-Saddam Government employment, failing to pressure the Iraqi leaders to meet the benchmarks and the timetable they set for themselves and, most recently, increasing the U.S. military presence in Iraq with the so-called surge, when we should be reducing our military presence.

But the challenge facing us now, given where we are today, is what is the best way to promote a stable and independent Iraq. Is the course we are on succeeding? So while the opponents of changing course argue that those of us who want to change course don't see the importance of a stable and independent Iraq, they are exactly wrong. We see the importance of it, but we see the current policy is failing to move us in the direction of a stable and independent Iraq. It is the status quo—

staying the course—that jeopardizes the goal of a stable and independent Iraq. So while there is disagreement on whether the current course is leading to a stable and independent Iraq, there is agreement—broad consensus—on the desirability of that goal.

There has also been a consensus for some time that there is no military solution to the sectarian violence in Iraq, and that the key to ending the violence lies in bringing about a political settlement among the various factions in Iraq today. Even Prime Minister Maliki recognized that fact a few months ago. This is what he said:

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

That is the Prime Minister of Iraq pointing out that it is the failure of the Iraqi politicians that is resulting in the ongoing violence. President Bush said this last January. He said the purpose of the surge—the explicit purpose, the stated purpose of the surge—was to give Iraqi politicians ''breathing space'' to work out a political settlement.

It is also pretty much undisputed that the stated purpose of the surge—that explicitly stated purpose about giving the Iraqi politicians breathing space to work out their political settlement—has not been achieved. There are going to be arguments back and forth about how much military progress there has been on the ground, and there are statistics both ways. I accept General Petraeus's assessment—and I have been there recently—that there has been some military progress on the ground. But the purpose of the surge, the goal of the surge was to provide breathing space to the Iraqi politicians; and the more the surge has succeeded, the less excuse there is for the Iraqi politicians not working out their political misunderstandings.

So it works exactly the opposite way from what the opponents of this amendment say. To the extent the surge has succeeded militarily, it makes it less understandable, less excusable, and less acceptable for the Iraqi politicians to continue to dawdle. By the way, the President has kind of shifted ground in terms of the purpose of the surge, anyway. Now the goal of the surge is to provide security and help Iraqi forces to maintain it. So having failed in its purpose, which was to give the Iraqi politicians room to work out their political misunderstandings, now we have a much more open-ended goal: to provide security and help the Iraqi forces to maintain it.

Madam President, General Petraeus agreed in his testimony last week that the purpose of the surge—to provide breathing space to work out a political settlement—has not been achieved. He was asked a direct question and he gave that answer. He acknowledged the political settlement has not been achieved and that that was the stated purpose of the surge.

There has been a lot of debate on whether the current situation on the ground in Iraq shows significant progress in terms of security—by the way, even though, as I said, this can be argued back and forth, there has been a public opinion poll taken in Iraq. The Iraqi people have been asked that question—not by supporters or opponents of the policy but by ABC News. Here is what the poll results were, and this is the Iraqi citizens being asked whether they feel more or less secure as a result of the surge. Here is the analysis by ABC News:

The surge broadly is seen to have done more harm than good, with 65 to 70 percent [of Iraqis] saying it's worsened rather than improved security in surge areas, security in other areas, conditions for political dialog, the ability of the Iraqi government to do its work, the pace of reconstruction, and the pace of economic development.

The result of the surge—or more accurately, the lack of political results—underscores the reality that there is going to be no end to the violence until Iraqi national leaders work out their political differences. As the Independent Commission on the Security Forces of Iraq, under the leadership of retired Marine General Jim Jones, reported last week:

Political reconciliation is the key to ending sectarian violence in Iraq.

The Iraqi politicians surely haven't done that. They have not kept the commitments they made to achieve political reconciliation by adopting legislation setting the dates for provincial elections, approving a hydrocarbon law, a debaathification law, and submitting constitutional amendments to a referendum.

I want to emphasize that the Iraqis' commitments to work out their key differences and the timetable to do so were their commitments and their timetable. So when Prime Minister Maliki complains that outsiders are not going to dictate to the Iraqi Government, what he is trying to do is obscure the fact that his own government set the benchmarks and timetables for themselves.

Back in January, when President Bush proposed the surge, this is what he said about the benchmarks and the need for the Iraqis to meet them:

America will hold the Iraqi government to the benchmarks it has announced.

Last Thursday, we heard the same old song from the President. He said:

The [Iraqi] government has not met its own legislative benchmarks, and in my meeting with Iraq leaders, I have made it clear that they must.

Eight months after saying we are going to hold the Iraqi Government to the benchmarks, the President's words ring hollow. We are not insisting the Iraqi leaders keep their commitments, and there have been absolutely no consequences for the Iraqi leaders' failure to do so. James Baker, Lee Hamilton, and the rest of the Iraq Study Group recommended the following:

If the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government.

Now, those were the words of the Iraq Study Group. That is exactly what is needed: consequences—clear, direct, and understandable consequences. But the only response to the Iraqi politicians' continued dawdling has been the repeated calls by the President for patience.

I make reference to a letter from the Secretary of State, Condoleezza Rice, dated January 30, 2007. The question had been raised whether the timelines that were set by the Iraqi Government were in fact their timelines or ours. This is what Secretary Rice said about the timelines:

. . . Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Madam President, we have been told by the—at least the public has been told by, I believe, the Prime Minister of Iraq that they are not going to accept America's timeline, that we are not going to impose a timeline on Iraq. What Secretary Rice's letter to me confirmed very precisely is that the Presidency Council of Iraq on October 16, 2006, adopted, reaffirmed—in her words, ''Iraq's Policy Committee on National Security agreed upon a set of . . . timelines.''

The dates are here. Here is the timeline.

September 2006: To form a review committee and to agree on a political timetable.

October 2006: Approve a hydrocarbon law and approve a provincial election law.

November 2006: Approve a debaathification law and approve provincial council authorities law.

December 2006: Approve amnesty, militias, and other armed formations law.

January 2007: Constitutional Review Committee completes its work.

February 2007: Form independent commissions in accordance with the constitution.

March 2007: Constitutional amendments referendum.

I ask unanimous consent that the letter from Secretary Rice to me dated January 30, 2007, be printed in the RECORD at this point, which makes the very clear statement that, No. 1, the timelines I have referred to attached to her letter are the Iraqi Government's timelines, and they formally adopted those.

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

THE SECRETARY OF STATE,
Washington.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your recent letters regarding the way forward in

Iraq and the role of benchmarks for political issues Iraq must solve. The President has also asked that I reply on his behalf to your December 12, 2006, letter to him concerning the importance of announcing a deadline for beginning a phased redeployment from Iraq.

I share your view that the Iraqi Government must meet the goal it has set for itself—establishing a democratic, unified, and secure Iraq. We believe the Iraqi Government understands very well the consequences of failing to make the tough decisions necessary to allow all Iraqis to live in peace and security. President Bush has been clear with Prime Minister Maliki on this score, as have I and other senior officials in discussions with our counterparts. We expect the Prime Minister to follow through on his pledges to the President that he would take difficult decisions.

In his January 10 address, the President stated that after careful consideration he had decided that announcing a phased withdrawal of our combat forces at this time would open the door to a collapse of the Iraqi Government and the country being torn apart. The New Way Forward in Iraq that the President announced on January 10 is designed to help the Government of Iraq to succeed. This strategy has the strong support of General Petraeus and his commanders, and we must give the strategy time to succeed.

On your point about a political solution being critical to long-term success, I also agree. However, with violence in the capital at the levels we have seen since the Samarra attack on February 22, 2006, extremists and terrorists have been able to hold the political process hostage. The President's strategy is designed to dampen the present level of violence in Baghdad and ensure that Iraq's political center has the security and stability it needs to negotiate lasting political accommodations through Iraq's new democratic institutions.

At the same time, the President has made clear to the Prime Minister and other Iraqi leaders that America's commitment is not open-ended. It is essential that the Government of Iraq—with our help, but its lead—set out measurable, achievable goals and objectives on each of three critical, strategic tracks: political, security, and economic. In this regard, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Beyond that, as the President said, Prime Minister Maliki made a number of additional commitments including: Non-interference in operations of the Iraqi Security Forces; Prosecution of all who violate the law, regardless of sect or religion; Deployment of three additional Iraqi army brigades to Baghdad; and Use of $10 billion for reconstruction.

We will continually assess Iraq's progress in meeting these commitments as well as other initiatives critical to Iraq's development.

Sincerely,

CONDOLEEZZA RICE.

UNOFFICIAL TRANSLATION

NATIONAL POLITICAL TIMELINE

September 2006: Form Constitutional Review Committee; Approve law on procedures to form regions; Agree on political timetable; Approve the law for Independent High Electoral Commission (IHEC); and Approve the Investment Law.

October 2006: Approve provincial elections law and set date for provincial elections; and Approve a hydrocarbon law.

November 2006: Approve de-Ba'athification law; Approve provincial council authorities law; and Approve a flag, emblem and national anthem law.

December 2006: Approve Coalition Provisional Authority Order 91 concerning armed forces and militias; Council of Representatives to address amnesty, militias and other armed formations; and Approve amnesty, militias and other armed formations law.

January 2007: Constitutional Review Committee completes its work.

February 2007: Form independent commissions in accordance with the Constitution.

March 2007: Constitutional amendments referendum (if required).

Mr. LEVIN. Madam President, I ask unanimous consent that another letter that I will read a part of be printed in the RECORD at this point.

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

THE SECRETARY OF STATE,
Washington, DC, June 13, 2007.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter inquiring about the benchmarks that the Government of Iraq set for itself last fall.

As you mentioned, I sent to you a letter in January in which I noted that Iraq's Political Committee on National Security agreed upon a set of benchmarks and an associated timeline, which were reaffirmed by the Iraqi Presidency Council in October 2006.

We have confirmed with Iraqi President Talabani's Chief of Staff that the benchmarks were formally approved last fall by the Iraqi Political Committee on National Security. This committee includes the Presidency Council—the President and the two Vice Presidents—as well as the leaders of all the major political blocs in Iraq. The Iraqi Presidency Council then posted the benchmarks on its website for several months.

Thank you for your interest in this issue. Please feel free to contact us on this or any matter of concern to you.

Sincerely,

CONDOLEEZZA RICE.

Mr. LEVIN. This is a June 13, 2007, letter to me from Secretary Rice. The setting for this—before I read this paragraph—is that Iraq said they never adopted those timelines, they never adopted those benchmarks. They contested what Secretary Rice said to me in the letter I am making part of the RECORD, dated January 30. I asked Secretary Rice about that. I said the Iraqis are saying you are wrong, that they didn't adopt the benchmarks. They say you are wrong, Secretary Rice. What do you have to say about that? She wrote me back:

Thank you for your letter inquiring about the benchmarks that the Government for Iraq set for itself last fall.

I emphasize the words ''set for itself last fall.''

Addressing me, she wrote:

As you mentioned, I sent to you a letter in January in which I noted that Iraq's Political Committee on National Security agreed upon a set of benchmarks and an associated timeline, which were reaffirmed by the Iraqi Presidency Council in October 2006.

She continued:

We have confirmed with Iraqi President Talibani's Chief of Staff that the benchmarks were formally approved last fall by the Iraqi Political Committee on National Security. This committee includes the Presidency Council—the President and two Vice Presidents—as well as the leaders of all major political blocs in Iraq. The Iraqi Presidency Council then posted the benchmarks on its website for several months.

I have already made this part of the RECORD.

I ask unanimous consent that my letter to the Secretary, which precipitated this response on June 13 also be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 9, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: I am writing in connection with your letter of January 20, 2007 in which you advised me regarding a set of benchmarks that the Government of Iraq has set for itself.

You wrote that ''Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.''

Yesterday, I met with Mowaffak al-Rubaie, Prime Minister Maliki's national security adviser. During the course of our meeting, Dr. Rubaie stated that the Presidency Council never reaffirmed the benchmarks. He was adamant on this point even after I showed him the statement in your letter.

This is an important point as the Presidency Council, whose three members, President Jalal Talabani (Kurd), Deputy President 'Adil 'Abd al-Mahdi (Shia Muslim) and Deputy President Tariq al-Hashimi (Sunni Muslim), are elected by the Council of Representatives and represent the three major ethnic groups of the country.

Earlier today, State Department Spokesman Sean McCormack stated ''These are the benchmarks that they've laid out for themselves. We didn't come up with them. They came up with them. And they need to be seen in the eyes of the Iraqi people as delivering for the Iraqi people.''

It seems to me that it would make a difference if the benchmarks and associated timeline were only approved by an advisory group as compared to the Presidency Council.

Accordingly, please confirm that the benchmarks and associated timeline, which you attached to your January 30, 2007 letter, were reaffirmed by the Presidency Council after being agreed upon by the Policy Committee on National Security, as stated in your letter.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. Success in Iraq—creating a stable, independent Iraq—depends on Iraqi leaders finally seeing the end of the open-ended U.S. commitment. The Iraq Study Group correctly pointed out almost a year ago that ''An open-ended

commitment of American forces would not provide the Iraqi government the incentive it needs to take the political actions that give Iraq the best chance of quelling sectarian violence.''

absence of such an incentive, the Iraqi Government might continue to delay taking those actions.

The President's current strategy is nothing less than stagnant because it is open-ended. It lacks the key ingredient of an action-forcing mechanism aimed at getting the Iraqi leaders to resolve their political differences. What is that mechanism? What is the mechanism that will finally force the Iraqi leaders to get on with the job of negotiating their political differences? It is action on our part, not just rhetoric, that clearly demonstrates to the Iraqi Government that our open-ended commitment to the American troops in the middle of their civil war is over, and that while we will provide support to their army, we have decided, as did the British, to transfer principal responsibility for security to Iraqi forces.

It is not good enough to do what the President did a few days ago and say we are going to take another look next March. That maintains the open-ended commitment. That does not have a timetable for the reduction of our troops to the levels which are necessary to carry on the missions which are identified.

The Jones Commission reported that ''The Iraqi armed forces . . . are increasingly effective and are capable of assuming greater responsibility for the internal security of Iraq.'' The Commission went on to say that a number of Iraqi Army battalions that are capable of taking the lead are not in the lead. That was a fact acknowledged by General Petraeus in our hearings about a week ago.

The Commission did one other thing: The Jones Commission also recommended—and these are the keywords—''the size of our national footprint in Iraq be reconsidered'' and that ''significant reductions . . . appear to be possible and prudent.'' Those are the words of General Jones and his Commission that significant reductions in our presence appear to be prudent. This is a group of retired generals and police officers.

I asked General Petraeus about whether there are these units of the Iraqi Army that are capable of assuming greater responsibility, as General Jones's Commission said, but they have not done so. General Petraeus acknowledged that there were such Iraqi units. I asked him how many, and he said he would supply that number for the record.

The Jones Commission emphasized that ''there is a fine line between assistance and dependence.'' When I was in Iraq last month, I asked a young American soldier who is on his third deployment to Iraq what his ideas were about transferring greater responsibility to the Iraqis. His answer was:

The Iraqi soldiers will let U.S. soldiers do the job that they're supposed to be doing forever, and we need to let them do it on their own.

I could not agree more.

In addition to getting our troops out of the middle of their civil war, success also depends on a transition of missions. According to the Iraq Study Group:

By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.

That Commission proposed that a far smaller U.S. military presence would remain only for limited missions to include force protection, counterterrorism, and training the Iraqi security forces. I believe it is essential that transition to the limited missions be announced now as a way of ending this open-ended commitment which the Iraqi political leaders have taken to be such a security blanket and have taken them off the hook from doing something that only they can do—work out the political differences that divide them which, in the words of their own Prime Minister, the failure to do has resulted in the continuation of violence.

Everybody seems to agree that there is no military solution, and yet when it comes to telling the Iraqi political leaders that the open-ended commitment is over, we are not only going to begin to reduce our troops, but we are going to transition their mission and complete that transition in a reasonable period of time, not precipitous but in a reasonable period of time, and our amendment provides 9 months after enactment of this law, it is the only way—the only way—that this open-ended commitment can finally be brought to an end. So we not only have to transition to the limited missions and announce it now, we have to adopt a timetable for the completion of that transition.

Those are the key provisions of the amendment before us. It is the key to ending the open-endedness, and it is long overdue. Presenting Iraq's political leaders with a timetable to begin withdrawing our forces and transitioning those that remain from mainly combat to mainly support roles is the only hope that Iraqi leaders will realize their future is in their hands, not in the hands of our brave men and women who proudly wear the uniform of our country.

Taking this step will also recognize another fact of life: that the stress on our forces—especially the wear and tear on the Army and Marines—must be reduced. We cannot continue to deploy our forces at the current level without seriously weakening our ability to respond to other challenges that might confront us.

So how can Congress bring about a change of course in Iraq when President Bush delays and delays and delays making any change? A clear majority of the Senate indicated support for Levin-Reed last July when we voted 53 to 46 to cut off the filibuster of the Republican leadership against the Levin-Reed amendment. Madam President, 53 to 46 was the vote.

The Levin-Reed amendment required the Secretary of Defense to begin a reduction in the number of U.S. forces in Iraq not later than 120 days after the date of enactment. It would have also required a transition to a limited presence only to carry out the missions of protecting U.S. and coalition personnel and infrastructure, training, equipping, and providing logistics support—and those are important words—to the Iraqi security forces and engaging in targeted counterterrorism operations against al-Qaida, al-Qaida affiliated groups, and other international terrorist organizations. The transition to the limited presence in mission would have had to have been completed by April 30, 2008. This reduction would have been implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community.

The continued inability of the Iraqi Government to make any progress toward a political settlement and the refusal of the Bush administration to change course reinforces the need for the Levin-Reed amendment. So that amendment is now before us. It is essentially the same as the amendment we voted on last July. The changes in the timetable are slight to accommodate the fact that we are voting at a later time, essentially. We would require the reduction to begin no later than 90 days after the date of enactment and to be completed within 9 months of the date of enactment in order to adjust the timetable to be both clear and to respond to the fact that we will be voting on this months later than the last vote in July.

The challenge before us is to get to the 60 votes. Sixty votes is the goal that I guess almost all our Iraq legislation has to meet because of the filibuster that took place the last time we offered Levin-Reed and because the threat of that filibuster exists again.

The reality is that we are going to continue to plug away to get to those 60 votes. We hope we can get them on this version of Levin-Reed. It is a version which finally, if we can get to the 60 votes and defeat this filibuster, will change course in Iraq. The majority of us in this Senate have voted to change course in Iraq, in effect, when there were 53 of us who voted to end the filibuster last July.

The majority of the American people clearly want a change of course in Iraq. They do not want a precipitous withdrawal. They understand we are going to need some troops there for force protection and for training of the Iraqi Army and for providing logistics to the Iraqi Army and for some targeted counterterrorism efforts against al-Qaida, their affiliates, and other terrorist groups. The American people understand. They want something that is

planned in terms of reduction of our forces, and they want a timetable. What they want more than anything else is to get the Iraqi leaders to end their dawdling so our troops can come home.

Everybody wants a stable, independent Iraq. The course we are on now, the course of status quo, an open-ended course, the course of, ''well, we will figure out next July whether we want to go further, whether we want to go below the presurge level,'' that stagnant course is exactly the wrong signal to the Iraqi leaders.

The course the President is on keeps that open-ended commitment of American forces. It does not do what we must do, and because the President will not do it, Congress must do it, which is to tell the Iraqis that the future of their country is in their hands and we will continue to be helpful.

We have given them an opportunity they have not seized, and 4½ years later, almost 4,000 American troops have been killed, 7 times that many wounded, $600 billion now spent, $10 billion more every month. It has to come to an end. We want to bring it to a successful end. We cannot do it militarily. Every military leader says there is no military solution. There is only a political solution, and only the Iraqi political leaders can achieve it.

That is what this amendment will help to bring about, that final statement to the Iraqi leaders: We cannot save you from yourselves.

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

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2875, 2865, 2867, 2868, 2871, 2866, 2869, 2293, 2285, 2880, 2892, 2278, 2119, 2123, 2921, 2233, AS MODIFIED, 2299, 2300, 2864, 2262, 2939, 2940, 2893, AND 2941 TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 24 amendments to the desk which have been cleared on both sides. I ask unanimous consent that the Senate consider those amendments en bloc; that the amendments be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2875

(Purpose: To provide certain limitations to the issuance of security clearances)

Strike section 1064 and insert the following:

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

''SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(2) COVERED PERSON.—The term 'covered person' means—

''(A) an officer or employee of a Federal agency;

''(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

''(C) an officer or employee of a contractor of a Federal agency.

''(3) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(4) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

''(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

''(1) an unlawful user of, or is addicted to, a controlled substance; or

''(2) mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States government and in accordance with the adjudicative guidelines required by subsection (d).

''(c) DISQUALIFICATION.—

''(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

''(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

''(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

''(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

''(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

''(A) special access programs;

''(B) Restricted Data; or

''(C) any other information commonly referred to as 'sensitive compartmented information'.

''(4) ANNUAL REPORT.—

''(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

''(B) DEFINITIONS.—In this paragraph:

''(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

''(I) the congressional intelligence committees;

''(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives; and

''(IV) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

''(ii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

''(d) ADJUDICATIVE GUIDELINES.—

''(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

''(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

''(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

''(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

AMENDMENT NO. 2865

(Purpose: To authorize the Secretary of Defense to expand the persons eligible for continued health benefits coverage)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.

(a) AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE PERSONS.—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations.''.

(b) ELECTION OF COVERAGE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection.''.

(c) PERIOD OF COVERAGE.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection.''.

AMENDMENT NO. 2867

(Purpose: To repeal the authority for payment of a uniform allowance to civilian employees of the Department of Defense)

At the end of title XI, add the following:

SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNIFORM ALLOWANCE TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 1593 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1593.

AMENDMENT NO. 2868

(Purpose: To provide for a continuation of eligiblity for TRICARE Standard coverage for certain members of the Selected Reserve)

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking ''Enrollments'' and inserting ''(1) Except as provided in paragraph (2), enrollments''; and

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

''(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

AMENDMENT NO. 2871

(Purpose: To provide flexibility in paying annuities to certain Federal retirees who return to work)

At the appropriate place, insert the following:

SEC. ___. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

(a) IN GENERAL.—Section 9902(j) of title 5, United States Code, is amended to read as follows:

''(j) PROVISIONS RELATING TO REEMPLOYMENT.—

''(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

''(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d)(1) or 8414(b)(1)(A) shall be subject to section 8344 or 8468.

''(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

''(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

''(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

''(3)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who is employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), may elect to begin coverage under paragraph (2) of this subsection.

''(B) An election for coverage under this paragraph shall be filed not later than the later of 90 days after the date the Department of Defense—

''(i) prescribes regulations to carry out this subsection; or

''(ii) takes reasonable actions to notify employees who may file an election.

''(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the date of the filing of the election.

''(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) of this paragraph and does not file a timely election under subparagraph (B) of this paragraph.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out the amendment made by this section.

AMENDMENT NO. 2866

(Purpose: To authorize demonstration projects on the provision of services to military dependent children with autism)

At the end of subtitle H of title V, add the following:

SEC. 594. DEMONSTRATION PROJECTS ON THE PROVISION OF SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of education and treatment services to military dependent children with autism.

(2) PURPOSE.—The purpose of any demonstration project carried out under this section shall be to evaluate strategies for integrated treatment and case manager services that include early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(b) REVIEW OF BEST PRACTICES.—In carrying out demonstration projects under this section, the Secretary of Defense shall, in coordination with the Secretary of Education, conduct a review of best practices in the United States in the provision of education and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where members of the Armed Forces who qualify for enrollment in the Exceptional Family Member Program of the Department of Defense are assigned.

(c) ELEMENTS.—

(1) ENROLLMENT IN EXCEPTIONAL FAMILY MEMBER PROGRAM.—Military dependent children may participate in a demonstration project under this section only if their military sponsor is enrolled in the Exceptional Family Member Program of the Department of Defense.

(2) CASE MANAGERS.—Each demonstration project shall include the assignment of both medical and special education services case managers which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary of Defense.

(3) INDIVIDUALIZED SERVICES PLAN.—Each demonstration project shall provide for the voluntary development for military dependent children with autism participating in such demonstration project of individualized autism services plans for use by Department of Defense medical and special education services case managers, caregivers, and families to ensure continuity of services throughout the active military service of their military sponsor.

(4) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for military dependent children with autism who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to such children.

(5) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—(A) In carrying out the demonstration projects, the Secretary may utilize a corporate services provider model.

(B) Employees of a provider under a model referred to in subparagraph (A) shall include personnel who implement special educational and behavioral intervention plans for military dependent children with autism that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary.

(C) In authorizing such a model, the Secretary shall establish—

(i) minimum education, training, and experience criteria required to be met by employees who provide services to military dependent children with autism;

(ii) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(iii) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the children who receive services from such employees under the demonstration projects.

(6) CONSTRUCTION WITH OTHER SERVICES.—Services provided to military dependent children with autism under the demonstration projects under this section shall be in addition to any other publicly-funded special education services available in a location in which their military sponsor resides.

(d) PERIOD.—

(1) COMMENCEMENT.—If the Secretary determines to conduct demonstration projects under this section, the Secretary shall commence any such demonstration projects not later than 180 days after the date of the enactment of this Act.

(2) MINIMUM PERIOD.—Any demonstration projects conducted under this section shall be conducted for not less than two years.

(e) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct an evaluation of each demonstration project conducted under this section.

(2) ELEMENTS.—The evaluation of a demonstration project under this subsection shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for military dependent children with autism and their families.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for children with autism.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) REPORTS.—Not later than 30 months after the commencement of any demonstration project authorized by this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such demonstration project. The report on a demonstration project shall include a description of such project, the results of the evaluation under subsection (e) with respect to such project, and a description of plans for the further provision of services for military dependent children with autism under such project.

AMENDMENT NO. 2869

(Purpose: To authorize increases in compensation for the faculty and staff of the Uniformed Services University of the Health Sciences)

At the end of title XI, add the following:

SEC. 1107. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''so as'' and inserting ''after consideration of the compensation necessary''; and

(B) by striking ''within the vicinity of the District of Columbia'' and inserting ''identified by the Secretary for purposes of this paragraph''; and

(2) in paragraph (4)—

(A) by striking ''section 5373'' and inserting ''sections 5307 and 5373''; and

(B) by adding at the end the following new sentence: ''In no case may the total amount of compensation paid under paragraph (1) in any year exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.''.

AMENDMENT NO. 2293

(Purpose: To authorize the transfer to the Government of Iraq of three C—130E tactical airlift aircraft)

At the end of subtitle D of title I, add the following:

SEC. 143. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C–130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than three C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), to the Government of Iraq.

AMENDMENT NO. 2285

(Purpose: To require recurring reports on the readiness of the National Guard for domestic emergencies)

At the end of subtitle D of title III, add the following:

SEC. 358. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

(a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

''(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

''(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.''.

(b) INCLUSION OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking ''and (e)'' and inserting ''(e), and (f)'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

''(2) Any information in a report under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

AMENDMENT NO. 2880

(Purpose: To require a report on the High-Altitude Aviation Training Site, Colorado)

At the end of subtitle E of title III, add the following:

SEC. 358. REPORT ON HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the High-Altitude Aviation Training Site at Gypsum, Colorado.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a summary of costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site for training purposes; and

(2) an analysis of potential cost savings and operational benefits, if any, of permanently stationing no less than 4 UH–60, 2 CH–47, and 2 LUH–72 aircraft at the High-Altitude Aviation Training Site.

AMENDMENT NO. 2892

(Purpose: To require information regarding asymmetric capabilities in the annual report on the military power of the People's Republic of China)

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

SEC. 1234. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

''(9) Developments in asymmetric capabilities, including cyberwarfare, including—

''(A) detailed analyses of the countries targeted;

''(B) the specific vulnerabilities targeted in these countries;

''(C) the tactical and strategic effects sought by developing threats to such targets; and

''(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.''.

AMENDMENT NO. 2278

(Purpose: To authorize a land exchange in Detroit, Michigan)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CITY.—The term ''City'' means the city of Detroit, Michigan.

(3) CITY LAND.—The term ''City land'' means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(5) EDC.—The term ''EDC'' means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term ''exchange maps'' means the maps entitled ''Atwater Street Land Exchange Maps'' prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term ''Federal land'' means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term ''Sector Detroit'' means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled ''Atwater Street Land Exchange Maps,'' which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

AMENDMENT NO. 2119

(Purpose: To require a report from the Inspector General of the Department of Defense on a pilot program for the imposition of fines for noncompliance of contractor personnel with requirements for contractor personnel performing private security functions in areas of combat operations)

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

AMENDMENT NO. 2123

(Purpose: To provide for training on contingency contracting for contractor personnel outside the defense acquisition workforce)

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

''(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

''(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.''.

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

''(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

''(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

''(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies. and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).''.

AMENDMENT NO. 2921

(Purpose: To require a plan for the participation of members of the National Guard and the Reserves in the benefits delivery at discharge program)

At the end of subtitle F of title VI, add the following:

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

AMENDMENT NO. 2233, AS MODIFIED

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C–5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F–16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

(5) An evaluation of the current capability of the Department of Defense to respond to these mission requirements and an assessment of any additional capabilities that are required.

(6) An assessment of the costs and benefits of adding such capabilities at Kelly Air Field to the costs and benefits of other locations.

AMENDMENT NO. 2299

(Purpose: To require consideration of small business concerns in evaluating actions that should be taken to address any disadvantage in the performance of contracts to actual and potential contractors and subcontractors of the Department of Defense when employees of such contractors and subcontractors are mobilized as part of a United States military operation overseas)

On page 235, between lines 6 and 7, insert the following:

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

AMENDMENT NO. 2300

(Purpose: To require relevant reports to be submitted to the Committee on Small Business and Entrepreneurship of the Senate)

On page 351, strike lines 7 through 10 and insert the following:

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

AMENDMENT NO. 2864

(Purpose: To modify the provisions relating to mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral)

On page 96, line 6, insert after ''commissioned service'' the following: ''or on the fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral, whichever is later''.

AMENDMENT NO. 2262

(Purpose: To modify the sunset date for the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program)

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15(g)) is amended by striking ''on the date that is 3 years after the date of the enactment of this section'' and inserting ''October 28, 2012''.

AMENDMENT NO. 2939

(Purpose: To provide for independent management reviews of contracts for services)

At the end of subtitle C of title VIII, add the following:

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

AMENDMENT NO. 2940

(Purpose: To provide for the enforcement of requirements applicable to undefinitized contractual action)

At the end of subtitle C of title VIII, add the following:

SEC. 847. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including, where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

AMENDMENT NO. 2893

(Purpose: 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)

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment Act of 2007''.

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal adviser''.

(2) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).''.

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

AMENDMENT NO. 2941

(Purpose: To modify the termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile)

At the end of subtitle D of title XIV, add the following:

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

''(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

''(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

''(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.''.

Mr. GRAHAM. Let's call it a day.

Mr. LEVIN. There are several Senators on the way over. The Presiding Officer, I know, looks forward to the continuation of the session with his good nature.

I suggest the absence of a quorum.

Mr. GRAHAM. Mr. President, while we are awaiting other Senators to arrive, I would like a few minutes to speak against my good friend's amendment.

The PRESIDING OFFICER. Does the Senator withdraw his request for a quorum call?

Mr. LEVIN. Of course, I withdraw the request.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2898

Mr. GRAHAM. Mr. President, the choice for the Congress is whether or not we retreat from a policy that appears to be working by adopting this amendment which would redeploy troops in a fashion very inconsistent with what we are doing on the ground. What we are doing now is a long overdue change in strategy. We have more forces than we have ever had before, and they are very much needed.

The one thing I can say without any doubt is the old strategy, before the surge, was not producing the results we were hoping for in terms of security and political reconciliation. After about the third trip to Baghdad, it was obvious to me the game plan we had in place after the fall of Baghdad was not working. I was told time and time again, we have enough troops, the insurgency is in its last throes, and there are a few dead-enders. Well, that was the furthest thing from the truth.

The truth is the security environment in Iraq got completely out of hand, al-Qaida flourished under the old strategy, they were able to thrive in parts of Anbar, and it was evolving into complete chaos. Thank God we had the ability and the willingness as a nation, through our Commander in Chief and through this Congress, to appoint a new general with a new idea. The idea that he is employing now is long overdue. More troops have provided better security, and they have been able to accomplish this by partnering with the Iraqi Army in a new way.

The old strategy, which we are trying to go back to with this amendment, had us in a training role. We were living behind walls, training during the day, and pretty much disengaged from the fight. We are now out from behind those walls, living with the Iraqi troops in joint security stations all over Baghdad and all over the country. We are living, eating, training, and fighting with the Iraqi Army. And General Jones tells us they are getting better.

Anbar Province is dramatically different. Six months ago, it was reported by the Marine Corps to have been lost to the enemy called al-Qaida. Well, a couple of things happened that are indeed good news. No. 1, the people who lived in Anbar, who had a taste of al-Qaida life, decided they did not want to live that way. Why? Well, what happened in Anbar Province when al-Qaida was in charge? Awful, terrible, vicious things that really cannot even be talked about on the floor of the Senate. They imposed a way of life on the Anbar Sunnis that did not meet the test of human decency, and the people living in Anbar rejected al-Qaida because they overplayed their hand.

The difference between us and our enemy in Iraq, al-Qaida, is pretty obvious. This organization that is tied to bin Laden, but also has Iraqi members, they are the type of people if you don't do what they say, they will take the family out into the street, take a 5-year-old child in the presence of the parents, cover the child in gasoline, and set the child on fire. That is our enemy. That is the enemy of everybody

who loves freedom and human decency. That happened in Anbar, and things like that happened time and time again.

The agenda that al-Qaida has for the world is a very dark view of the world, particularly for women. And, thank God, it has been rejected by those in Anbar. The surge gave the ability to those living in Anbar to make a choice they never had before. The additional military support provided by the surge came along at a magic moment in time when the people in Anbar were ready to take on al-Qaida. This additional combat capacity cannot be underestimated in terms of how it has changed Iraq. It certainly liberated Anbar from the clutches of al-Qaida. And the fact that Sunni Arabs are willing to turn on al-Qaida and join coalition forces is good news for the world.

This amendment would basically undo many of the successes we have had in terms of adding more combat power. Things are getting better around Baghdad. There is still a lot of fighting. Al-Qaida has not been completely vanquished, but they are certainly diminished. Iran is playing hard in Iraq right now. They understand what is going on on the floor of the Senate.

Why are the Iranians trying to kill American forces? What is the goal of the Iranian regime when it comes to Iraq? I think the goal is to drive us out. Does Iran want a completely chaotic Iraq? No. Does Iran want a representative government in Iraq? Absolutely not, because the biggest threat to this Iranian theocracy would be a representative government on their border where Sunnis, Shias, and Kurds would live together and elect their own leaders. The biggest threat to Syria, this dictatorship in Syria, would be a representative democracy on their border.

So if you are waiting on Iran and Syria to come in and help us form a moderate way of doing business, where people can elect their leaders and accept each other's differences and live together with tolerance, you can forget it because it is a threat to the dictatorships and the theocracies that exist.

I think it is in our national security interests to allow General Petraeus to continue a strategy that is bringing about better security than we have ever seen before. Now is not the time to pull back. Now is the time to recommit American forces, and the political, military, and economic power to finish the job that has been started.

I think the idea that the war in Iraq is a civil war just misses the boat. The truth is, there are many things going on in Iraq. Some of them are local to Iraq, but many of them have international implications and longstanding national security consequences for this country. Why did the Iranian President say he stood ready to fill any vacuum created in Iraq? Because he would like to expand his power. The question for us is, is it in our national security interest to allow a vacuum to be created?

Now, my good friend, Senator LEVIN, has a view that the more troops we have in Iraq, the longer we stay there with large numbers, the less likely the politicians in Baghdad will reconcile their differences through the political process. I have a totally opposite view. I understand what he is saying, but there is no evidence that less troops will provide quicker reconciliation. The Iraqis are dying three to one compared to our deaths and our injuries. The sacrifices of this country are enormous, but do not forget the Iraqi people are fighting and dying against extremist forces, and they are not indifferent to their fate.

The political reconciliation necessary to occur to bring this war to a successful conclusion has not occurred in Baghdad, but it is occurring at the local level. So, in my opinion, it is just a matter of time before the local reconciliation we see in Anbar and other places in Iraq comes to Baghdad. And the best pressure to put on any politician in any place in the world where people vote to elect their politicians is for all people to speak up and put pressure on their elected officials—not for Senator GRAHAM or Senator LEVIN or Senator CLINTON or Senator MCCAIN to tell the Maliki government what to do, but their own people telling them what to do.

After being there eight times, the people in Iraq I meet are more war weary than ever. They are coming together more at the local level than at any other time. Better security is emboldening the Iraqi people to make the hard decisions that will eventually reconcile their country. The idea of terminating this operation now, putting a deadline or a timeline to withdraw will undercut everything we have achieved. The politicians will change their attitude. Instead of looking at how to reconcile their country, they will be looking at how to protect their families when the Americans leave.

So I am not for an unending, unlimited commitment of 160,000 troops. I am for keeping an American military presence in Iraq that helps my country—helps our country. We need to look at every decision we make in Iraq now and in the future from the viewpoint of, does it enhance our national security? Is it better to have 160,000 American forces in Iraq now to stabilize a dysfunctional government or is it better to bring them home, knowing the most likely result will be a failed state?

A dysfunctional government exists in Iraq and here in Washington. But there is a big difference between a dysfunctional government and a failed state. A dysfunctional government is one that keeps trying but fails to do the hard things. A failed state is a place where no one tries anymore. They go back to the corners of their own country and the regional players begin to take sides and you have absolute chaos. Iran is the biggest winner of a failed state because they will dominate the southern part of Iraq.

Another problem of a failed state is that the Kurds will likely go to war with Turkey over an independent movement in the north. If the Sunnis think they are going to win in Iraq and have the good old days of Saddam come back by using force, they are crazy and they are naive. If the Shias think they are going to create a theocracy in Iraq, like Iran, and no one will say anything about it, they misunderstand the region.

I am convinced all three groups are better off working together than trying to work apart. I know this: We are better off if they do that. If they break apart and this country becomes a failed state, 160,000 troops for a limited period of time will not be what our country will be faced with in terms of choices. We will have a large American military presence in the Mideast, containing a variety of conflicts that do not exist today because the problems in Iraq will spill over in the region.

I believe that is a likely consequence. That is a reasonable consequence of a failed state. I cannot promise that they will go from a dysfunctional government to a stable government, a secure government, one that is an ally on the war on terror with us that would reject al-Qaida and contain Iran. But I believe this: the best shot to bring that about is to continue the mission and the surge as planned out by General Petraeus, to continue the strategy that we have now that has shown results we have never known before. If we pull back now, it will undo all the accomplishments that have come from a lot of sacrifice, a lot of blood, and a lot of treasure.

At the end of the day, the Iraqi political leadership has to embrace the hard decisions necessary to pull their country together. They are more likely to do that when they are less worried about their families being killed as they reach across the aisle.

It is hard to reach across the aisle here. The Presiding Officer and I have worked on immigration. We know how hard it is. We will keep coming back and bringing up hard issues such as Social Security and immigration until we find a solution. But imagine reaching across the aisle in Iraq where the consequence would be that your family is murdered.

The better security we can bring about in terms of Iraq for the judges, the politicians, and the population as a whole, the more likely they are to do the hard things. And I do believe they are ready to do the hard things because they have had a hard life. The Iraqi people are not perfect. I don't think we realized how hard it was to have lived in that country under Saddam Hussein. The fear that if your daughter walked down the street, she might catch the eye of one of Saddam's sons; the way they have had to live under Saddam Hussein is unimaginable, and the chaos that they have experienced from al-Qaida coming there, throwing bombs at different mosques and bringing up old

wounds has been very difficult to deal with. But they keep trying. When one police officer is killed, someone else takes their place. When an army person is killed, someone else joins the army. When a judge is assassinated, somebody else comes forward to be a judge.

They are trying. And I do believe, if we will continue the strategy employed by General Petraeus, even though political reconciliation is lagging behind security, it will not be much longer until the politicians in Baghdad embrace the hard decisions necessary to bring reconciliation to their country. And I believe that for a couple of reasons. No. 1, their people want it; and, No. 2, they have the opportunity now, through better security, to bring it about.

So to my good friend, Senator LEVIN, I understand exactly his concern. It is a judgment call. I think when you are dealing with extremists, when you are dealing with the Iranian President, the last thing in the world you do is to show weakness. You make sure they understand, al-Qaida and Iran, and any other extremist group, that America is going to do what is necessary to defend her vital interests and that we are going to stand with forces in moderation.

My biggest fear, if we begin to withdraw now and redeploy to the old mission, is that all of those who have risked their lives to help us will surely meet the fate of that 5-year-old boy. And that is not in our national interest. That is not the right thing to do. We will come home. But as Senator MCCAIN says, we need to come home with honor. Equally important, we need to come home with a more secure America.

I think we are on the road to bringing about withdrawal with honor and a more secure America by having a more stable Iraq. The worst thing to do now is to go back to a strategy that has failed when the one that we have in place is beginning to work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—H.R. 1495

Mr. CASEY. Mr. President, I ask unanimous consent that on Monday, September 24, at 3 p.m., the Senate turn to the consideration of the conference report on the water resources bill, H.R. 1495; that the time until 5:45 p.m. be divided for debate as follows: 30 minutes under Senator FEINGOLD's control, with the remainder of the time under the control of the two leaders or their designees; and that at 5:45 p.m. the Senate, without any intervening action or debate, vote on passage of the conference report.

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

Mr. CASEY. Mr. President, I rise today to speak about the war in Iraq, and in particular to speak about an amendment that we will be voting on tomorrow, the Reed-Levin amendment.

I want to note, first of all, that this amendment has been offered before. We voted on similar amendments over the course of this year, and I am glad we are voting on it again because I think the American people, time and again, have told us it is time, at long last, to change the course in Iraq and to focus on a new policy.

Sometimes we talk about this amendment and we fail to mention something about the sponsors of this amendment. We are talking about two Members of the Senate with broad experience in this body, tremendous years of public service, but also a lot of years on the Armed Services Committee and other committees that have informed their judgment. The two Members of the Senate, JACK REED and CARL LEVIN, I am speaking about, have both been to Iraq innumerable times, learning about what is happening there and focused in a real way on helping us get this policy right.

Our troops have done everything we asked of them, time and again. Every mission, every battle, they have done their job. It is about time the Congress of the United States and the President of the United States do our job to change the course in Iraq and to focus on a new policy.

Fortunately, this amendment, I think, has tremendous support in the Senate. We have already seen this before. Much more than a majority of Senators will vote for this amendment. I hope we can get it to 60 votes at long last.

Let's talk about it for a moment. This is a very basic amendment, which fundamentally says we have to change the course in Iraq; we have to begin to redeploy our combat forces so the Iraqi forces can takeover, ultimately. But it also focuses in a real way on transitioning this mission. Our mission should be about a couple of things our soldiers have already proven time and again that they do very well. The mission should be transitioned to a much more focused mission: First of all, to hunt down and kill terrorists in Iraq. That is fundamental to our mission. Our mission has to include training of the Iraqi security forces. We see in report after report, especially at the level 1 of readiness, the ability for the Iraqi forces to independently, without help from American forces, take over the fight against the enemy. We have to make sure that training moves forward much more aggressively and in a much more focused way than we have seen already. But that is not happening. So we need to train the Iraqi security forces.

Finally, we have to make sure we protect our troops and their infrastructure and also the civilian personnel we have in Iraq. We have seen all those personnel doing a great job as well—from the State Department and other parts of our Government. But if we can focus, as we should, on a redeployment of our combat forces and focus on the terrorists, focus on training, and focus on diplomacy—which I will talk about at length a few minutes later—that has to be the mission we should focus on in Iraq.

That is what Reed-Levin does, among other things. It focuses at long last on a mission that we know our troops can continue to achieve. But also it focuses in a real way on transitioning this mission and focusing on a redeployment of our forces, our combat forces.

I think some of what has formed the way I vote and the way lot of us vote is our time in Iraq. I spent a day and a half in Iraq. Some people can say: What can you learn in a day and a half? You can learn a lot about Iraq in that short amount of time. I learned, not just in the meetings we had but a good part of our time in Iraq—Senator DURBIN and I were there in the early part of August—a good part of our time was outside the Green Zone. You get a sense, a fleeting sense, a glimpse, but you get a sense of the insecurity of Baghdad when you are outside of that Green Zone.

I have heard a lot of discussion about things that have been happening in Anbar. Frankly, our marines have done a great job there and our troops have done a great job in Baghdad. But Baghdad is a lot more complicated than Anbar, and we should recognize that. It is a lot more difficult assignment going forward.

What do we see in Baghdad? Every time you go outside the Green Zone you travel in a convoy. We were given great protection, not only by those who were traveling with us but also by people from the State Department and others. We appreciated that. But you wear body armor wherever you go—inside the vehicle, outside the vehicle. You wear a combat helmet, a Kevlar helmet. You are surrounded by people with weapons to protect you. So you get a sense of the insecurity there.

Then, when we were traveling to the President's house our second day there, almost the entire trip to President Talabani's house where he resides was in a military convoy with helicopters flying overhead to protect us. When I got on a Blackhawk helicopter to go from an airport to a patrol base outside the city of Baghdad where our forces are doing a great job against al-Qaida, what do we have to do? We get into a Blackhawk helicopter and fly at a very high rate of speed over the rooftops to avoid being attacked. We saw in the last couple of weeks what happened to a C–130, with distinguished Members of the Senate, some of them here on the floor today, being fired upon by the enemy.

You see the insecurity all around you. You see the insecurity when we were meeting at the patrol base and a missile landed and we heard the explosion 400 yards from us.

What I am trying to convey is the sense we had of the insecurity of Baghdad. It is a real presence there, that feeling of insecurity. It is a fact. We should recognize this mission is very

difficult for our troops. They have met every assignment.

What we have to do is give our troops a policy and a strategy which matches their valor. We don't have that right now. The President should start acting more like a Commander in Chief instead of someone who is reading talking points for his side of the argument. When I was listening to the President the other night, unfortunately, what he conveyed to me was a sense that he was selling a message instead of leading. I don't think he has led in a way that has brought this Congress together, frankly. It is about time we had a mission and a strategy that matched the brilliance and the valor of our troops.

When I was in Iraq, we would hear these phrases from the Iraqi leaders: We need more time. You need to be patient in America. I heard this phrase I have never heard before, we need ''strategic patience.'' I still don't know what that means, but the Iraqi political leaders were telling us that over and over again. I have to say, on behalf of the people of Pennsylvania and on behalf of the 175 families who lost someone in Iraq already, I have to say to these Iraqi leaders: We have shown strategic patience, whatever that means. We have shown patience and forbearance and our troops and their families have sacrificed over and over again. It is about time for you, Mr. or Mrs. Iraqi Leader, to get your act together and take overt responsibility of taking on this enemy for the next generation, taking the corruption out of your police force, and governing your country so you can have a government of national unity.

But all they ask for is patience. Whenever the Iraqi political leaders ask for patience, the one who pays most of the price is not anybody in Congress. It isn't anybody in the White House. The people who pay the price are the troops and their families—over and over again. We are reaching the end of our patience, I think I would say and have said to those Iraqi leaders.

Finally—I don't wish to spend too much time on our trip—one of the most poignant parts of our trip, and it has connection and relevance to what we voted on today and yesterday and will tomorrow, is the sense you get from our troops. You know the bravery of those troops—troops from Pennsylvania, from small towns in Bradford County, way up in northeastern Pennsylvania, troops from the inner city of Philadelphia, who were in the same mission, sitting at the same table to have what goes for lunch over there—very simple food that they have to eat every day. But what I got from our troops was a real sense of commitment, a real sense of focus on their mission. We have to do everything we can to make sure they have the resources they need.

But a lot of our troops are being asked to referee a civil war. No American fighting men or woman has ever been asked to referee someone else's civil war. We have asked them to do that. I heard language in this Chamber, and we heard it from the President—he talks about victory, victory, victory. He uses phrases such as that and some people here have used those phrases.

Do you know what. I think the more accurate phrase and the more descriptive, to describe what is happening there, is what Ambassador Crocker said to me in Baghdad. I challenged him and General Petraeus, and they both said: No, that is not the right language. What the mission has to be is to stabilize that Government, not to have some Hollywood victory that sets our troops up for something not achievable. Our troops have done their job. It is about time we have the right policy and the right language that matches the valor of our troops.

We see what these troops and their families have sacrificed, and we see some of the horror of battle. We went into the combat support hospital, right in the middle of Baghdad. You see in that hospital doctors and nurses, enlisted men and women who are doing that job 24 hours a day under the most difficult circumstances. In one case, taking care of a little child, a girl who had been left in the streets of Baghdad when her parents were killed. These doctors and nurses were ministering to her, just like they minister to the troops who come in from the battlefield.

We think of a lot of lessons from history. We remember what Abraham Lincoln said when he was talking about the Civil War. He talked about what happens to those who die or are wounded in battle—especially those who die. He talked, at the time, about making sure we are doing everything possible to remember and to help the families of those who perished. As Abraham Lincoln said: '' . . . to help him who has borne the battle, and his widow and his orphan.''

When we debate on this floor about this policy, debate about veterans health care, we are trying to do our best to enact policy that is supportive of those troops who have perished in battle and those families.

We have to make sure we do everything possible to get this policy right. I believe a giant step forward to doing that would be to support the Reed-Levin amendment and to support other measures that help us change our course. We lost an opportunity yesterday when we didn't get to 60 votes on the Webb amendment. That was a bad day in the Senate. But we have to keep trying, and we will try again tomorrow on this vote.

I wish to conclude with some remarks about an amendment I have offered along with Senator MURKOWSKI, an amendment which focuses on something we all talk about a lot but, frankly, the administration has not done nearly enough about, and that is diplomacy. This amendment is a sense-of-the-Senate amendment expressing a very simple notion that it is time we implement a diplomatic surge that matches any military surge. It sends a crystal-clear message to the White House: The time for sustained regional diplomacy is now, and it deserves the highest priority of the President, President Bush, and the Secretary of State, Secretary Rice.

We all recognize in hindsight how diplomacy was critically missing from the strategic planning of the United States in the runup to this war. We all know that now. That is almost not even debated anymore. Yet we have paid little heed to diplomacy in the frustrating years since our initial invasion. The United States continues to treat Iraq as some kind of isolated box, failing to recognize the complex linkages between the various sectarian groups inside Iraq and their patrons and supporters in the broader Middle East region. It is time we made Iraq less America's problem and more a responsibility for its regional neighbors and the international community.

Let me highlight quickly the elements of this amendment, very specific steps. First of all, the United States should implement a comprehensive diplomatic offensive. It has not been done yet. No. 2, the United States should bring together Iraq's neighbors through a regional conference or other mechanism. That has not been done yet—part of it has, but it has not been done as it should. No. 3 definitely has not been done, especially when it pertains to the President: The President and the Secretary of State should invest their personal time and energy in these diplomatic efforts. This cannot be done by proxy or surrogate. They have to be engaged fully. In addition to that, the President, I believe, and Senator MURKOWSKI believes, should appoint a high-level Presidential envoy to the region. The U.S. Ambassador to the United Nations should seek the appointment of an international mediator in Iraq to engage the political, religious, ethnic, and tribal leaders in Iraq.

Finally, the United States should more directly press Iraq's neighbors to open fully operating embassies in Baghdad.

I will conclude with that. There is so much that has to be done on diplomacy and there is so much more we have to do. We have to keep debating this issue, keep pushing forward to achieve a better policy.

I believe two parts of that are the enactment of the Reed-Levin amendment, first of all, and in addition to that the amendment that I and Senator MURKOWSKI have worked together on, to have a real diplomatic surge in Iraq.

I yield the floor.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senators now be recognized in the following order: Senator LIEBERMAN, Senator SMITH, Senator KYL.

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

Mr. LIEBERMAN. Mr. President, I rise to speak against the amendment introduced by Senators LEVIN and REED, my friends. I actually say that with full meaning. I have great respect for the Senators from Michigan and Rhode Island. I even like them. But in this case, I am in deep disagreement about the amendment they have offered.

This is the most recent iteration of a series of amendments Senators LEVIN and REED have put in. It changes slightly from earlier versions, but the strategy is essentially the same, and in doing so, it ignores, I say respectfully, all the changes that have occurred in Iraq on the ground in the months that have gone by since the first Levin-Reed amendment was introduced. It also ignores the clearly stated counsel of the National Intelligence Estimate, of the head of the independent Commission to evaluate Iraqi security forces, GEN Jim Jones, and it ignores much of the testimony General Petraeus and Ambassador Crocker, who live on the ground, gave to Congress and the American people last week.

I rise to oppose it because I think it does not reflect the successes we have had, and if it ever passed, it would take us from this strategy which is bringing success to a strategy which would bring us to failure. It orders a change of a strategy that is working and puts us on a course to a strategy that I believe will fail disastrously. But at least everyone would have to acknowledge that we do not know how it will work as compared to the Petraeus strategy that is now working.

This amendment, as has been said, would first order the beginning of a reduction of U.S. forces in Iraq not later than 90 days from its enactment. Well, the interesting thing to say is that General Petraeus and President Bush announced last week that a withdrawal of American forces will begin this month. It will reach over 5,000 by the end of this year, by Christmastime. Quite remarkable. Unexpected. Not predicted. But why is it happening? It is happening because the surge strategy, combined with the improvement in the performance of the Iraqi security forces, has allowed our commander on the ground to recommend to the Commander in Chief, who has accepted the recommendation, that we can reduce some of our troop presence in Iraq without compromising the mission and the security of Iraq.

But General Petraeus said very clearly that he is not for congressionally-mandated deadlines, including this one; that as a general principle of war, not just to support his own position, he feels—and I could not agree with him more—that withdrawals of American troops in battle ought to be made on the basis of what is happening on the battlefield and at the recommendation of the commanders on the battlefield.

Then the Levin-Reed amendment represents essentially a transition of U.S. forces to a limited presence, undefined number, to carry out the following missions: to protect the U.S. and coalition personnel and infrastructure, training, equipping, providing logistical support to the Iraqi security forces, and engaging in targeted counterterrorism operations against al-Qaida, al-Qaida affiliated groups, and other international terrorist organizations.

As I will make clear in a moment, I am particularly troubled that that does not include the groups Iran is training, equipping, and then sending back into Iraq which have killed hundreds of American soldiers and thousands of Iraqi soldiers and civilians.

In ordering a withdrawal within 90 days, in ordering a transition from a strategy that is working to a strategy that I believe will fail, as I said at the outset, this amendment ignores the best evidence and judgment we have based on what is happening on the ground.

The National Intelligence Estimate commented quite clearly about what would happen if we limited the mission our solders in Iraq were allowed to undertake prematurely. It warned us in no uncertain terms that:

> Changing the mission of coalition forces from a primarily counterinsurgency and stabilization role [which is the current Petraeus strategy] to a primary combat support role for Iraqi forces and counterterrorism operations [which is the strategy that would be imposed by this amendment] would erode the security gains achieved so far.

Not ''might'' but ''would'' erode the security gains achieved thus far.

General Jones made very clear in testimony he gave just 2 weeks ago that:

> Deadlines can work against us. I think a deadline of this magnitude would be against our national interests.

General Petraeus warned us last week that:

> We need to ensure that we do not surrender a gain for which we fought very, very hard by being locked into a timetable.

Likewise, we heard from General Petraeus, who bluntly told us:

> While one may argue that the best way to speed the process in Iraq is to change the mission from one that emphasizes population security, counterterrorism and transition, to one that is strictly focused on transition and counterterrorism, making that change now would, in our view, be premature.

That is diplomatic language chosen by a military man speaking to Congress last week: ''would be premature.''

Look, as our mission in Iraq succeeds and hopefully continues to succeed as it is now both in terms of stabilizing the country, reducing victims of sectarian violence, chasing al-Qaida, and, most significantly, improving the capacity of the Iraqi security forces, we will transition our mission because the Iraqis and the environment will allow us to do that, and there will be transition to something, I would guess, quite like the goal of this amendment. But if you force this by congressional action before the commanders on the ground tell us it can be safely implemented, it will be more than General Petraeus's diplomatic term, ''premature,'' and probably more than the NIE's direct term, ''would erode the security gains achieved so far.'' I think it would begin to unwind Iraq and lead to a victory for al-Qaida and Iranian-backed terrorists. I think it is particularly unjustified for Congress to take up this amendment now, the moment we are seeing evidence of real progress in Iraq.

I know some of the supporters of the amendment suggest that by withdrawing forces, we would force the Iraqi Government to achieve the political progress we all want. There is no military solution, only a political solution that will ultimately end this. That is true. But let me say this: That misses one powerful reality in Iraq today. We are now not just fighting to give Iraqis the stability to reach political reconciliation and the ability to self-govern, we are fighting al-Qaida and Iranian-backed terrorists. That requires a military solution. So to say the goal here is just to make sure the Iraqi leadership reaches some accommodations with one another—that is not the end of it. You can have that happen, and if we pulled out prematurely, al-Qaida and Iran could blow the whole thing apart, and it would be a devastating loss for Iraq, for the region, and for the security of the people of the United States.

But listen to what Ambassador Crocker said about this idea to Congress last week:

> An approach that says we are going to start pulling troops out regardless of the objective conditions on the ground and what might happen in consequence of that could actually push the Iraqis in the wrong direction, to make them less likely to compromise, rather than more likely. It would make them far more focused on building the walls, stacking the ammunition, and getting ready for a big nasty fight without us around, than it would push them toward compromise and accommodation with the people who would be on the other side of that fight.

That is Ambassador Crocker, who lives with those people every day, the leaders, the political leaders of Iraq, and he is saying: Watch out, a premature withdrawal by the U.S. forces would do exactly the opposite. It would not encourage the Iraqis to political reconciliation; it would basically lead them to hunker down for a civil war they fear would be following.

You know what, from this distance, although I have been there six or seven times now, it seems like common sense and human nature that if we pull out too soon, they are not going to wake up and suddenly make difficult political agreements; they are going to get ready for civil war. This amendment is based on a premise that disregards exactly what our Ambassador, a nonpolitical career person, an expert on the Middle East, is telling us would happen.

I would also point out, as I mentioned briefly at the beginning, that

the amendment, I fear, would leave our troops unable, even in their reduced mission role, to respond to and go after Iranian operatives and Iranian-backed militias, the so-called special groups that are in the midst of fighting a vicious proxy war against American troops and Iraqis in Iraq.

General Petraeus testified last week that:

> These elements have assassinated and kidnapped Iraqi governmental leaders, killed and wounded our soldiers with advanced explosive devices provided by Iran, and indiscriminately rocketed civilians in the international zone and elsewhere.

So even in the reduced mission, it does provide for allowing our troops to go after al-Qaida but not the Iranian-backed operatives. And as Senator MCCAIN I think quite compellingly pointed out on the floor earlier today, what are our troops supposed to do when they see someone walking along with an IED? Go up to them and say: Excuse me, sir, are you a member of a sectarian militia or are you al-Qaida? If you are sectarian militia, go ahead. If you are al-Qaida, I am sorry, I am going to have to capture you.

That is not going to work.

I am sure my colleagues, including the sponsors of this amendment, agree that the United States has a vital national interest in preventing the dominance of Iraq by the fanatical anti-American regime in Tehran, and yet this amendment would give our forces, as I read it, no authority to deal with that critical mission after the transition period is over.

I just want to say that at the end of last year, after too many months, too many months of a strategy that was not working in Iraq, President Bush, as the Commander in Chief, finally said: I have to change the strategy. He called in a lot of people to ask how should he change it in response to the reality on the ground, which is that what we were doing was not working, was not succeeding. He met General Petraeus, a man who had been in Iraq before, had disagreed with the prevailing strategy, and instead of being honored, he was sent out to Fort Leavenworth, where he did some great work. It is a great place. But he really should have been raised up to continue the fight in Iraq. President Bush brought him back to Iraq, accepted his ideas for a new strategy of counterinsurgency, of stabilizing Iraq. He gave him the 30,000-plus troops, and it has worked. Remarkable.

We all know Iraq has not reached the goals we want it to reach, but assassinations are down, deaths from sectarian violence are down. American and Iraqi forces are in control of most of Baghdad now, not the militias.

Most significantly, al-Qaida is on the run. I heard bin Laden and Zawahiri put out other tapes today. I wonder whether these tapes are a sign not of confidence but of insecurity by al-Qaida's leaders. I am beginning to wonder whether they are worried about the fact that they are essentially being chased out of an Arab country, Iraq, particularly painful for them, chased out of an enormous Sunni Arab province, because they are all Sunni Muslims, and that they are on the verge of what could be a humiliating defeat, if we continue to move this strategy forward against them. As we all know in our own lives, sometimes the people who bark the loudest are the ones who are the most insecure. I am beginning to wonder whether bin Laden and Zawahiri, who masterminded the attack against us on 9/11, are now, on what has become the central battlefield of the war with Islamist extremism, al-Qaida, whether they are badly losing that war.

What I am saying is, after a long time President Bush looked at the facts, changed the strategy, and the new strategy is working. This amendment, respectfully to its sponsors, does not regard the facts, does not look at the facts, does not accept the changes that have occurred in our strategy and the success it is bringing and basically continues as if nothing had changed. In doing so, if adopted, it would do a disservice to our forces in Iraq who are succeeding, to the cause of freedom in Iraq and throughout the Muslim world, and to the cause of security of every American threatened by al-Qaida who we know is working, plotting, and intends to strike us again, and the fanatics who, unfortunately, control the Government of a great country, Iran, who lead thousands and tens of thousands on any occasion they can in chants to ''death to America.'' That is what is on the line. That is what would be jeopardized if this amendment were passed. That is why I respectfully ask my colleagues to vote ''no'' on the Levin-Reed amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Michigan.

Mr. LEVIN. Before Senator KYL is recognized, before Senator SMITH is recognized, under the current UC, we would then go to Senator KYL. I ask unanimous consent that after Senator KYL, Senator KENNEDY be recognized on this side of the issue and that after Senator KENNEDY, Senator BILL NELSON be recognized as the next speaker in support of the Levin amendment. If there is a speaker in opposition after Senator KENNEDY, that Senator would then come immediately after Senator KENNEDY and before Senator NELSON.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I ask unanimous consent that I be added as a speaker at that point before Senator NELSON. But if Senator LOTT wishes to speak, I will yield to him.

Mr. LEVIN. With that amendment, I offer that UC.

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

The Senator from Oregon.

Mr. SMITH. Mr. President, I rise today as the lead Republican on the Levin-Reed amendment. I am proud to cosponsor this amendment because it calls for what I have been stating all year. It sets up a timetable—a timetable we all know is inevitable—to draw down our troops. Last week General Petraeus's testimony highlighted what I consider to be the remaining primary function of American troops in Iraq: to defeat al-Qaida, our mortal enemy. The organization which attacked us on 9/11 is being hounded from its refuge in Anbar, fleeing from a lethal mix of American forces and their own destructive ideology. American troops should by all means continue this assault on al-Qaida. But Anbar Province is not all of Iraq. In past years supporters of the war have pointed to areas other than Anbar, such as the Shia and Kurdish provinces, to show that things are not going as badly as they were in Fallujah and Ramadi. Today they point to Anbar to show that things are not going as badly as the violence in Baghdad.

I have visited Iraq numerous times; and wherever I am with our troops, I am inspired by them. I have also become increasingly conscious of the fact that I am in the eye of the hurricane. Relative peace wherever our troops are, but outside of us are swirling the winds of hatred and violence such of which the American people can scarcely imagine.

This amendment explicitly defines the role of the U.S. military in Iraq as threefold. An appropriate amount of troops will remain to protect our diplomats, our military installations, and our infrastructure. We will continue to train, equip, and provide logistical and intelligence support to Iraqi security forces, sharing intelligence with them. Thirdly, and most importantly, we will be there to turn over every rock, every crevice, and seek out every al-Qaida killer who wishes to harm Americans.

As I have spoken out pleading for a new course in Iraq, there has been a great cacophony of noise about how to go forward. Some of my colleagues have wanted to cut off funding. In fact, we voted that plan down resoundingly. Such a course, in my view, would be more than dishonorable; it would be dangerous. Some, on the other hand, say: Let's stay the course. I find that troubling as well. What ''stay the course'' means is, we will continue to spend $12 billion a month. We will lose roughly three American soldiers a day, some of them Oregonians. In addition, there will be countless traumatized, wounded, and maimed for life, for which I cannot find a number.

Underpinning the current course and the argument of many of my colleagues is the hope, the predicate, that at the end of the road there will be an Iraqi Government that will govern effectively and democratically. I believe President Bush's formulation that we will stand down when they can stand up has it backwards. I have come to the reluctant conclusion that based on my numerous trips to Iraq, they will

not stand up politically until we begin standing down militarily. Like many of my colleagues, I have been to Iraq repeatedly. To be with the troops, again, is to be inspired, to be humbled in their presence because of the remarkable work they are doing and the cause for which they are fighting. As inspiring as that is, it is equally depressing to meet with Iraqi political leaders, democratically elected, who we think ought to be focused on reconciliation. What I have found is they are focused on revenge.

In Iraq there is ancient sectarian strife which has produced a low-grade civil war, a war which is not ours to win and not one we can win. It is theirs to win. We won the first war—Saddam was overthrown. Iraqis must now win the peace. Civil wars end in one of two ways: One side wins and the other loses, or they fight it out until they figure it out. My belief is that we delay the day for them figuring it out with our current posture.

I would love to be proven wrong. I pray President Bush is right. But I believe it is our obligation to have this debate to help change the course in the policy of the United States Government, and more importantly, to help change also the course in the policy of the Iraqi Government. I intend to use all my leverage as a Senator to change that course in Iraq, to get their Government to govern.

My fear is that what our presence and current posture are doing is simply keeping their civil war at a low-grade level, a no-win situation for American troops in Iraq. There is no good option for how we come home, but it does seem to me this amendment best expresses my own conclusions. That is why I cosponsored the amendment, to recognize al-Qaida as our mortal foe. We must take them on wherever we can, even now in Iraq, but ultimately we have to get capable and effective Iraqi political leaders, too, to do the most basic kinds of governing: debaathification, setting up of local elections, allowing the processes of democracy to work, establishing a rule of law that gives people confidence, spending their oil revenue money for the restructuring and the rebuilding of their own country. We cannot want functioning democracy for Iraqis more than they want it for themselves. What they seem bent on now is ethnic cleansing of their neighborhoods and religious division. Ultimately, those are their decisions, not ours. As long as we say—we will take the bullet, we will take it first—they will let us.

The Reed-Levin amendment provides a different way forward with a responsible division of labor. Let the Iraqi forces we have trained and equipped handle their security in Baghdad and in other communities. Let us help them and ourselves by taking on al-Qaida as we find it in Iraq.

This should not be a Republican-Democratic debate. I do not want to sling mud around this Chamber and point fingers at which parties and which voters and which Government branch got us where we are. That should not be the focus of our discussion today. But for the sake of the American people, we should be discussing the way forward, a way that includes a United States victory over al-Qaida. Therefore, I rise as a Republican from Oregon to support the amendment. I believe this legislation strikes the right balance between the same old stay the course policy and a panicked flight to the exit.

Do we have moral and strategic interests in Iraq? Of course, we do. Will we have those interests in the future? Of course, we will. Should we ignore those interests? Of course not. This language addresses those concerns, the language of the Reed-Levin amendment. I believe this legislation is the best, most effective, most responsible way forward.

I urge the amendment's adoption and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to be the next Democrat to speak after the Chair, who is already in line in the order.

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

Mr. KERRY. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I believe the Senator from Arizona is to be recognized next.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in view of the fact that there are a series of other speakers who wish to address this matter, I am going to ask unanimous consent to put an article in the RECORD to respond to one of the arguments that has been made, and then I will briefly respond to the others.

To the point that this is a civil war in Iraq and that is the justification for American forces being withdrawn, I ask unanimous consent that an article by Frederick Kagan entitled ''Al Qaeda in Iraq,'' dated September 10 and appearing in the Weekly Standard, be printed in the RECORD after my comments.

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

(See Exhibit 1.)

Mr. KYL. Fred Kagan is a respected expert, a resident scholar at the American Enterprise Institute. The point he makes in this erudite article is that the primary problem for our forces in Iraq is al-Qaida in Iraq. It is the Iraq component of al-Qaida, that either we are fighting the al-Qaida forces directly—about 90 percent of whom are Iraqis, though the leadership significantly primarily comes from other places—Egypt, Jordan, and so on—or we are fighting to maintain peace between people whom al-Qaida in Iraq have instigated a conflict with, as they did when they bombed the Golden Mosque in Samarra, and that our primary effort, therefore, is in defeating al-Qaida in Iraq.

The reason I bring that point up here is also to go to the heart of one of the points of the Levin-Reed amendment which is, we need to change our mission. Part of it is to change the mission to deal primarily with the counterterrorism operations against al-Qaida and al-Qaida affiliated groups. That would be certainly al-Qaida in Iraq and other international terrorist organizations. That is going to be one of the three new missions in addition to protecting U.S. and coalition forces and infrastructure and training and equipping the Iraqis.

All three of those are part of our mission today. It is simply not the case that we can separate our mission today from this mission in any meaningful way. As General Petraeus testified when he was asked about a new mission, he said counterterrorism requires not just the special operations forces—a relatively small force that would be left behind under the proposal that is pending before us here—but it requires other forces as well, including the kind of combat operations we engage in today, our general conventional forces, along with intelligence, reconnaissance, surveillance, and all of the other forces, which also include logistical support, that are currently used in the operations against al-Qaida and the other terrorists who are there.

So it is simply a mistake in concept here that somehow we are performing a different mission today than would be performed in the future, that that is a counterterrorism mission and it can be performed with different and less troops. General Petraeus has said that is simply not true.

If you stop and think about it for a moment, you have heard reports of the way some of these operations are conducted. You get good intelligence from a predator aircraft or a human source or someone you have an Iraqi, al-Qaida, or other terrorist group that is going to be planting an IED in a location or they are making explosives in a location, and you have an F–16 that has been up in the air for an hour or two, and they get this information, and they relay it to the F–16, and they say: Go to these coordinates and drop a bomb on those coordinates, and he does that.

Now, it is not some special forces thing that deals with al-Qaida, in other words, as a counterterrorism type of war that is totally different than anything else. You use many of the same kinds of personnel and tactics and equipment you use in conventional warfare. That is the point General Petraeus was trying to make. It is an artificial distinction to say there is going to be a new and different mission under the Levin-Reed proposal than exists today and it can be done with a much smaller and different kind of force. General Petraeus says: It is simply not so. That is the primary reason

I have trouble with this proposal that is pending. I hope my colleagues will defeat it.

I did want to also make this point in the debate: We sometimes get so wrapped up in discussing what we think that we do not stop and think about the people who are actually doing the fighting there. I have in mind both our troops and the very fine officers who lead the troops. We have all visited them in Iraq. We have visited those who have been wounded, and we grieve with the families of those who have been lost. These are America's finest, and they are fighting the worst of the worst. They are fighting killers who prey on innocent people, have no conscience in killing anyone who is necessary to suit their needs.

This is a brutal war against a brutal enemy. We are asking some of our finest young men and women to go into harm's way to perform this mission. They want to know what they have done so far—the gains they have produced, as General Petraeus called them—will not have been won in vain, that those gains can be helped.

What General Petraeus said in his testimony—I am going to summarize these quick four points—''the military objectives of the surge are, in large measure, being met,'' ''that Coalition and Iraqi forces have dealt significant blows to al-Qaeda-Iraq''—incidentally, it is a point Frederick Kagan makes in some detail in this article I am having printed in the RECORD—third, ''Iraqi elements have been standing and fighting and sustaining tough losses, and they have taken the lead in operations in many areas,'' and, finally—this is the point I am leading up to—''we will be able to reduce our forces to the presurge level of brigade combat teams by next summer without jeopardizing the security gains that we have fought so hard to achieve.''

That is the key, and that is what the President said should unite us. We would all like to bring our troops home, as many as soon as possible. The more success we have, the better we are able to do that. But we do not want to do it if it means we lose what we have fought so hard to gain. I think almost all of us can agree with that proposition. But that is why I reached the conclusion that the particular amendment that has been proposed here would be counterproductive.

Fortunately, polls of the American people are beginning to show they support the Petraeus recommendations. In fact, I was told of a new Pew poll within the last few days that had the American people supporting the Petraeus recommended troop reductions by the number 57 to 28. That is an astounding change from American public opinion of a few months ago.

So the American public supports what our troops are accomplishing now. To try to find some way to politically triangulate between an immediate withdrawal and following the Petraeus recommendations, which is essentially what I gather the amendment before us would attempt to do, is to try to impose an artificial political construct in a very dangerous and very complex environment. There is an old saying that for every complex problem there is a simple and wrong solution. I think that is what we have here. We have a very complex situation, a very brutal enemy, and an attempt to try to triangulate it in order to get a certain number of votes in the Senate, to suggest that we can change the mission with a different mix of force than we have, contrary to General Petraeus's testimony, I think would be a big mistake.

So I urge my colleagues to take these considerations into account when they cast their vote and, in particular, again, go back to what General Petraeus said. There was a lot of wisdom in his testimony. I think all of us here recognize General Petraeus, General Odierno, and all of the other fine officers who are in Iraq have given us a path to achieve success in Iraq. The sooner that success can be consolidated, the sooner our troops can come home.

EXHIBIT 1

[From the Weekly Standard, Sept. 10, 2007]

AL QAEDA IN IRAQ—HOW TO UNDERSTAND IT. HOW TO DEFEAT IT.

(By Frederick W. Kagan)

Al Qaeda In Iraq is part of the global al Qaeda movement. AQI, as the U.S. military calls it, is around 90 percent Iraqi. Foreign fighters, however, predominate in the leadership and among the suicide bombers, of whom they comprise up to 90 percent, U.S. commanders say. The leader of AQI is Abu Ayyub al-Masri, an Egyptian. His predecessor, Abu Musab al Zarqawi, was a Jordanian.

Because the members of AQI are overwhelmingly Iraqis—often thugs and misfits recruited or dragooned into the organization (along with some clerics and more educated leaders)—it is argued that AQI is not really part of the global al Qaeda movement. Therefore, it is said, the war in Iraq is not part of the global war on terror: The ''real'' al Qaeda—Osama bin Laden's band, off in its safe havens in the Pakistani tribal areas of Waziristan and Baluchistan—is the group to fight. Furthermore, argue critics of this persuasion, we should be doing this fighting through precise, intelligence-driven airstrikes or Special Forces attacks on key leaders, not the deployment of large conventional forces, which only stirs resentment in Muslim countries and creates more terrorists.

Over the past four years, the war in Iraq has provided abundant evidence to dispute these assertions.

AL QAEDA WORLDWIDE

Al Qaeda is an organization pursuing an ideology. Both the organization and the ideology must be defeated. Just as, in the Cold War, the contest between the United States and its allies and the Soviet Union and its captive nations was the real-world manifestation of an ideological struggle, so today, the global war on terror is a real-world contest between the United States and its allies and al Qaeda and its enablers. We can hope to defeat the ideology only by defeating its champion, al Qaeda.

Al Qaeda's ideology is the lineal descendant of a school of thought articulated most compellingly by the Egyptian revolutionary Sayyid Qutb in the 1950s and 1960s, with an admixture of Wahhabism, Deobandi thought, or simple, mainstream Sunni chauvinism, depending on where and by what group it is propounded.

Qutb blended a radical interpretation of Muslim theology with the Marxism-Leninism and anticolonial fervor of the Egypt of his day to produce an Islamic revolutionary movement. He argued that the secularism and licentious (by his extreme standards) behavior of most Muslims was destroying the true faith and returning the Islamic world to the state of jahiliyyah, or ignorance of the word of God, which prevailed before Muhammad. The growing secularism of Muslim states particularly bothered him. According to his interpretation, God alone has the power to make laws and to judge. When men make laws and judge each other according to secular criteria, they are usurping God's prerogatives. All who obey such leaders, according to Qutb, are treating their leaders as gods and therefore are guilty of the worst sin—polytheism. Thus they are—and this is the key point—not true Muslims, but unbelievers, regardless of whether they otherwise obey Muslim law and practice.

This is the defining characteristic of al Qaeda's ideology, which is properly called ''takfirism'' (even though al Qaeda fighters do not use the term). The word ''takfir'' designates the process of declaring a person to be an unbeliever because of the way he practices his faith. Takfir violates the religious understanding of most of the world's Muslims, for the Koran prescribes only five requirements for a Muslim (acknowledgment of the oneness of God, prayer, charitable giving, the fast, and the pilgrimage to Mecca) and specifies that anyone who observes them is a Muslim. The takfiris insist that anyone who obeys a human government is a polytheist and therefore violates the first premise of Islam, the shahada (the assertion that ''There is no god but God''), even though Muslims have lived in states with temporal rulers for most of their history. The chief reason al Qaeda has limited support in the Muslim world is that the global Muslim community overwhelmingly rejects the premise that anyone obeying a temporal ruler is ipso facto an unbeliever.

Today's takfiris carry Qutb's basic principles further. Some pious Muslims believe that human governments should support or enforce sharia law. This is why Saudi Arabia has no law but sharia. But to Osama bin Laden and his senior lieutenant, Ayman al Zawahiri, it is not enough for a state to rule according to sharia. To be legitimate in the eyes of these revolutionaries, a state must also work actively to spread ''righteous rule'' across the earth. This demand means that only states aligned with the takfiris and supporting the spread of takfirism—such as the Taliban when it was in power—are legitimate, whereas states aligned with unbelievers, like Saudi Arabia, are illegitimate even if they strictly enforce sharia law. Some takfiris, particularly in Iraq as we shall see, argue in addition that all Shia are polytheists, and therefore apostates, because they ''worship'' Ali and Hussein and their successor imams. This distorted view of Shiism reflects the continual movement of takfiri thought toward extremes.

These distinctions are no mere theoretical niceties. The Koran and Muslim tradition forbid Muslims from killing one another except in narrowly specified circumstances. They also restrict the conditions under which Muslims can kill non-Muslims. Takfiris, however, claim that the groups and individuals they condemn are not really Muslims but unbelievers who endanger the true faith. They therefore claim to be exercising the right to defend the faith, granted

by the Koran and Muslim tradition, when they endorse the killing of these false Muslims and the Westerners who either seduce them into apostasy or support them in it. This is the primary theological justification for al Qaeda's terrorism.

Takfirism is a radical reinterpretation of Islam that discards over a thousand years of Islamic scholarship and cautious tradition in favor of a literal reading of the Koran and Hadith that allows any layman—such as Osama bin Laden, who has no clerical standing—to usurp the role of Islam's scholars and issue fatwas and exercise other such clerical prerogatives. Interestingly, ''takfirism'' is what the Muslim enemies of this movement call it. Iraqis, for example, commonly refer to the members of AQI as ''takfiris.'' This term has a strong negative connotation, implying as it does the right of a small group to determine who is a Muslim and to kill those who do not practice their religion in a particular manner. (Iraqis also sometimes call the terrorists ''khawaraj,'' a reference to the Kharajites of early Muslim history that is extremely derogatory, implying as it does that al Qaeda members are schismatics, well outside of the mainstream of Islam.)

While takfirism is the primary theological justification for the actions of al Qaeda, it is not the only important component of the terrorists' ideology. Western concepts are deeply embedded in the movement as well, primarily Leninism. Qutb was familiar with the concept of the Bolshevik party as the ''vanguard of the proletariat''—the small group that understood the interests of the proletariat better than the workers themselves, that would seize power in their name, then would help them to achieve their own ''class consciousness'' while creating a society that was just and suitable for them. Qutb thought of his ideology in the same terms: He explicitly referred to his movement as a vanguard that would seize power in the name of the true faith and then reeducate Muslims who had gone astray.

Bin Laden underscored this aspect of the ideology in naming his organization ''al Qaeda,'' which means ''the base.'' Qutb and bin Laden envisaged a small revolutionary movement that would seize power in a Muslim state and then gradually work to expand its control to the entire Muslim world, while reeducating lapsed Muslims under its power. Al Qaeda's frequent references to reestablishing the caliphate are tied to this concept. The goal is to recapture the purity of the ''Rashidun,'' the period when Muhammad and his immediate successors ruled. This was the last time the Muslim world was united and governed, as bin Laden sees it, according to the true precepts of Islam.

Leninism (along with the practical challenges faced by revolutionaries in a hostile world) has informed the organizational structure as well as the thinking of al Qaeda. The group is cellular and highly decentralized, as the Bolsheviks were supposed to be. It focuses on seizing power in weakened states, as Communist movements did in Russia and China, and on weakening stronger states to make them more susceptible to attack, as the Communist movement did around the world after its triumph in the Soviet Union. Al Qaeda's center of gravity is its ideology, which means that individual cells can pursue the common aim with little or no relationship to the center. It is nevertheless a linked movement, with leaders directing the flow of some resources and ordering or forbidding particular operations around the world.

These, then, are the key characteristics of al Qaeda: It is based on the principle of takfirism. It sees itself as a Muslim revolutionary vanguard. It aims to take power in weak states and to weaken strong states. It is cellular and decentralized, but with a networked global leadership that influences its activities without necessarily controlling them. How does Al Qaeda In Iraq fit into this scheme?

AL QAEDA IN IRAQ

AQI is part of the global al Qaeda movement both ideologically and practically. Ideologically, it lies on the extreme end of the takfiri spectrum. It was initially called the ''Movement of Monotheism (tawhid) and Jihad,'' referring to the takfiri principle that human government (and Shiism) are polytheist. From its inception, AQI has targeted mainly Iraqis; it has killed many times more Muslims than Americans. Its preferred weapon is the suicide car-bomb or truck-bomb aimed at places where large numbers of Iraqi civilians, especially Shia, congregate. When the movement began in 2003 it primarily targeted Shia. Zarqawi sought to provoke a Shia-Sunni civil war that he expected would mobilize the Sunni to full-scale jihad. He also delighted in killing Shia, whom he saw as intolerable ''rejectionists,'' who had received the message of the Koran and rejected it. Even worse than ignorance of the word of God is deliberate apostasy. The duty to convert or kill apostates supersedes even the duty to wage war against the regular unbeliever—hence Zarqawi's insistence that the Shia were more dangerous than the ''Zionists and Crusaders.''

Bin Laden's associate Zawahiri remonstrated with Zarqawi on this point in a series of exchanges that became public. He argued that Zarqawi erred in attacking Shia, who should rather be exhorted and enticed to join the larger movement he hoped to create. Zawahiri's arguments were more tactical and strategic than ideological. He has no objection to killing unfaithful Muslims, but he has been eager to focus the movement on what he calls the ''far enemy,'' America and the West.

Zarqawi too pursued attacks on Western targets, of course. He was implicated in the 2002 murder of USAID official Lawrence Foley in Jordan, and in the bombing of the United Nations office in Baghdad on August 19, 2003. But Zarqawi concentrated on attacking Iraqi Shia. A blast at the end of August 2003, for example, killed 85 Shia in Najaf, including Ayatollah Mohammed Baqir al-Hakim (older brother of Abd al-Aziz al-Hakim, the leader of the Supreme Iraqi Islamic Council, the largest Shia party in the Council of Representatives), and a series of attacks on Shia mosques during the Ashura holiday in March 2004 killed over 180. He finally succeeded in provoking a significant Shia backlash with the destruction of the golden dome of the Shia al-Askariyah Mosque in Samarra in February 2006. Zarqawi was killed by coalition forces Sunni areas to the north and south, Diyala, Salah-ad-Din, and Ninewa. AQI bases in Falluja, Tal Afar, and Baquba included media centers, torture houses, sharia courts, and all the other niceties of AQI occupation that would be familiar to students of the Taliban in Afghanistan and takfiri groups elsewhere. Local thugs flocked to the banner, and those who resisted were brutally tortured and murdered. Imams in local mosques—radicalized in the 1990s by Saddam Hussein's ''return to the faith'' initiative (to shore up his highly secular government by wrapping it in the aura of Islam)—preached takfirism and resistance to the Americans.

The presence of large numbers of Iraqis in the movement has contributed to confusion about the relationship between AQI and al Qaeda. Apart from the radicalized clerics and some leaders, most of the Iraqis in the organization are misfits and ne'er-do-wells, younger sons without sense or intelligence who fall under the spell of violent leaders. The recruitment process in many areas is like that of any street-gang, where the leaders combine exhortation and promises with exemplary violence against those who obstinately refuse to join. In this regard, AQI is subtly different from the al Qaeda movement that developed in Afghanistan. The takfiri elements of the mujahedeen who fought the Soviet invader in Afghanistan were highly diverse in origin. That war attracted anti-Soviet fighters from across the Muslim world. They did not fit easily into Afghanistan's xenophobic society, and so concentrated themselves in training camps removed from the population centers after the Soviet withdrawal and the rise of the Taliban. Americans saw these foreign fighters in their camps as the ''real'' al Qaeda, the one that attacked the United States in 2001.

But al Qaeda was only part of the story in Afghanistan. The Taliban forces that seized power in 1994 imposed a radical interpretation of Islam upon the population and attacked the symbols of other religions in a country that had traditionally tolerated different faiths and diverse practices. Like their AQI counterparts today, the Taliban tended to be ill-educated, violent, and radical. And they were just as necessary to sustaining al Qaeda in Afghanistan as the Iraqi foot soldiers of AQI have been to supporting that movement. Bin Laden provided essential support, both military and financial, to put the Taliban in power and keep it there. In return, the Taliban allowed him to operate with impunity and protected him from foreign intervention. The war began in 2001 when Taliban leader Mullah Omar refused to yield the al Qaeda members responsible for 9/11 even though the Taliban itself had not been involved in the attacks.

Afghanistan's extremist thugs and misfits, once in power, facilitated the foreign-led al Qaeda's training, planning, and preparation for attacks against Western targets around the world, including the attacks on two U.S. embassies in Africa in 1998, the attack on the U.S.S. *Cole* in 2000, and 9/11. In return, al Qaeda's foreign fighters fiercely defended the Taliban regime when U.S. forces attacked in 2001, even forming up in conventional battle lines against America's Afghan allies supported by U.S. Special Forces and airpower. In Afghanistan the relationship between al Qaeda and the Taliban was symbiotic, mutually dependent, and mutually reinforcing. It included a shared world view and a willingness to fight common enemies. There was a close bond between indigenous Afghan extremists and the internationalist takfiris. Al Qaeda in Iraq benefits from just such a bond.

Yet there is a difference between the two movements in this regard: Whereas in Afghanistan al Qaeda remained separate from Afghan society for the most part, interacting with it primarily through the Taliban, AQI directly incorporates Iraqis. Indeed, the foreign origins of AQI's leaders are a handicap, of which their names are a constant reminder: Zarqawi's nom de guerre identified him immediately as a Jordanian, and the ''al-Masri'' in Abu Ayyub al-Masri means ''the Egyptian.'' The takfiris clumsily addressed this problem by announcing their ''Islamic State of Iraq,'' which they presented as an umbrella movement Iraqi in nature but which was in fact a thin disguise for AQI, and by inventing a fictitious leader with a hyper-Iraqi, hyper-Sunni name, Abu Omar al-Baghdadi.

As for its local recruits, they undergo extensive training that is designed to brainwash them and prepare them to support and engage in vicious violence. One of the reasons some Iraqi Sunnis have turned against AQI has been this practice of making their

sons into monsters. Many Iraqis have come to feel about AQI the way the parents of young gang members tend to feel about gangs.

These AQI recruits often remain local. Young Anbaris do not on the whole venture out of Anbar to attack Americans or Shia beyond their province; AQI recruits in Arab Jabour or Salah-ad-Din tend to stay near their homes, even if temporarily driven off by U.S. operations. The leaders, however, travel a great deal—Zarqawi went from Jordan to Germany to Afghanistan to Iraq, and within Iraq from Falluja to Baquba and beyond, and his subordinates and successors have covered many miles at home and abroad. The presence of AQI cells in each area facilitates this movement, as well as the movement of foreign fighters into and through Iraq and the movement of weapons, supplies, and intelligence. AQI facilitators provide safe houses and means of communication. Some build car bombs that are passed from cell to cell until they are mated with the foreign fighters who will detonate them, perhaps far from where they were built. Even though most members of AQI remain near their homes, the sum of all of the cells, plus the foreign leadership and foreign fighters, is a movement that can plan and conduct attacks rapidly across the country and around the region, and that can regenerate destroyed cells within weeks. The leaders themselves are hooked into the global al Qaeda movement.

The integration of AQI into the population makes it harder to root out than al Qaeda was in Afghanistan. In Afghanistan, American leaders could launch missile strikes against al Qaeda training bases (as President Clinton did, to little effect), and U.S. Special Forces could target those camps with or without indigenous help. Not so in Iraq.

Intermingled with the population, AQI maintains no large training areas and thus offers few targets suitable for missile strikes. American and Iraqi Special Forces have been effective at killing particular AQI leaders, but this has not destroyed the movement or even severely degraded its ability to conduct attacks across the country. New leaders spring up, and the facilitation networks continue their work.

When the Taliban fell in Afghanistan, al Qaeda lost its freedom of movement throughout the country. Most surviving al Qaeda fighters fled to Pakistan's largely ungoverned tribal areas, where they could count on enough local support to sustain themselves. Today there is little support for al Qaeda in Afghanistan, no large permanent al Qaeda training camp, and certainly no ability to conduct large-scale or countrywide operations against U.S. or Afghan forces.

The recent turn against Al Qaeda In Iraq by key Iraqis has produced less dramatic results because of the different means by which AQI maintains itself. Although much of AQI's support originally came from locals who sought its aid, by 2006 the takfiris had made themselves so unpopular that their continued presence relied on their continuous use of violence against their hosts. As Anbari tribal leaders began for various reasons to resist AQI's advances, AQI started attacking them and their families. Outside of Anbar Province, AQI regularly uses exemplary torture and murder to keep locals in line. The principles of takfirism justify this, as anyone who resists AQI's attempts to impose its vision of Islam becomes an enemy of Islam. AQI then has the right and obligation to kill such a person, since, in the takfiri view, execution is the proper punishment for apostasy. It is a little harder to see the pseudo-religious justification for torture, but AQI is not deterred by such fine points.

Like al Qaeda in Afghanistan, then, AQI initially relied on support from the population more or less freely offered. Unlike al Qaeda in Afghanistan—but like the Taliban—it also developed means of coercing support when this was no longer given freely. As a result, Iraq's Sunnis cannot simply decide to turn against al Qaeda on their own, for doing so condemns them to outrageous punishments. To defeat Al Qaeda In Iraq, therefore, it is not enough to attack takfiri ideology or persuade the Iraqi government to address the Sunnis' legitimate grievances. Those approaches must be combined with a concerted effort to protect Sunni populations from AQI's terrorism.

HOW TO DEFEAT AQI

One of the first questions Iraqis ask when American forces move into AQI strongholds to fight the takfiris is: Are you going to stay this time? In the past, coalition forces have cleared takfiri centers, often with local help, but have departed soon after, leaving the locals vulnerable to vicious AQI retaliation. This pattern created a legacy of distrust, and a concomitant hesitancy to commit to backing coalition forces.

This cycle was broken first in Anbar, for three reasons: The depth of AQI's control there led the group to commit some of its worst excesses in its attempt to hold on to power; the strength of the tribal structures in the province created the possibility of effective local resistance when the mood swung against the takfiris; and the sustained presence and determination of soldiers and Marines in the province gave the locals hope of assistance once they began to turn against the terrorists.

The movement against the takfiris began as AQI tried to solidify its position in Anbar by marrying some of its senior leaders to the daughters of Anbari tribal leaders, as al Qaeda has done in South Asia. When the sheikhs resisted, AQI began to attack them and their families, assassinating one prominent sheikh, then preventing his relatives from burying him within the 24 hours prescribed by Muslim law. In the tribal society of Anbar, this and related actions led to the rise of numerous blood-feuds between AQI and Anbari families. The viciousness of AQI's retaliation and the relative weakness of the Anbari tribes as a military or police force put the locals in a difficult position, from which they were rescued by the determined work of coalition and Iraqi security forces.

Throughout 2006, U.S. soldiers and Marines in Anbar refused to cede the province's capital and major population centers to the insurgents. Officers like Colonel Sean MacFarland worked to establish bases in Ramadi, protect key positions within the city, and generally contest AQI's control. At the same time, Marine commanders strove to reach out to Anbaris increasingly disenchanted with AQI. Commanders in the province now acknowledge that they probably missed several early overtures from tribal leaders, but they clearly grasped the more obvious signals the sheikhs sent in late 2006 and early 2007 indicating their interest in working together against the common foe.

The change in U.S. strategy announced in January 2007 and the surge of forces over the ensuing months did not create this shift in Anbar, but accelerated its development. The surge meant that American commanders did not have to shift forces out of Anbar to protect Baghdad, as had happened in previous operations. MacFarland's successor, Colonel John Charlton, was able to build on MacFarland's success when he took command in early 2007. He moved beyond the limited bases MacFarland's soldiers had established and began pushing his troops into key neighborhoods in Ramadi, establishing Joint Security Stations, and clearing the city. Marine forces in the province were augmented by two battalions in the spring and a battalion-sized Marine Expeditionary Unit in the summer. The latter has been attacking the last bastions of AQI in northeastern Anbar.

The increased U.S. presence and the more aggressive operations of American forces—working with Iraqi army units that, although heavily Shia, were able to function effectively with U.S. troops even in Sunni Anbar—allowed the tribal turn against AQI to pick up steam. By late spring 2007, all of the major Anbari tribes had sworn to oppose AQI and had begun sending their sons to volunteer for service in the Iraqi army and the Iraqi police. By summer, the coalition had established a new training base in Habbaniya to receive these recruits, and the Iraqi army units had begun balancing their sectarian mix by incorporating Anbari Sunnis into their formations. Thousands of Anbaris began patrolling the streets of their own cities and towns to protect against AQI, and coalition commanders were flooded with information about the presence and movements of takfiris. By the beginning of August, AQI had been driven out of all of Anbar's major population centers, and its attempts to regroup in the hinterland have been fitful and dangerous for the takfiris. The mosques in Anbar's major cities have stopped preaching anti-American and pro-takfiri sermons on the whole, switching either to neutral messages or to support for peace and even for the coalition.

The battle is by no means over. AQI has made clear its determination to reestablish itself in Anbar or to punish the Anbaris for their betrayal, and AQI cells in rural Anbar and surrounding provinces are still trying to regenerate. But the takfiri movement that once nearly controlled the province by blending in with its people has lost almost all popular support and has been driven to desperate measures to maintain a precarious foothold. The combination of local disenchantment with takfiri extremism, a remarkable lack of cultural sensitivity by the takfiris themselves, and effective counterinsurgency operations by coalition forces working to protect the population have turned the tide.

Anbar is a unique province in that its population is almost entirely Sunni Arab and its tribal structures remain strong despite years of Saddam's oppression. The ''Anbar Awakening,'' as the Anbari turn against the takfiris is usually called, has spread to almost all of Iraq's Sunni areas, but in different forms reflecting their different circumstances. Sunni Arabs in Baghdad, Babil, Salah-ad-Din, and Diyala provinces have long suffered from AQI, but they also face a significant Shia Arab presence, including violent elements of the Jaysh al-Mahdi, or Mahdi Army, the most extreme Shia militia. Diyala, Ninewa, and Kirkuk provinces also have ethnic fault lines where Arabs, Turkmen, and Kurds meet and occasionally fight. Tribal structures in these areas vary in strength, but are everywhere less cohesive than those of Anbar.

Extreme elements of the Jaysh al-Mahdi, particularly the Iranian-controlled ''secret cells,'' have been exerting pressure against Sunni populations in mixed provinces at least since early 2006. Some formerly Sunni cities like Mahmudiya have become Shia (and Jaysh al-Mahdi) strongholds. Mixed areas in Baghdad have tended to become more homogeneous. AQI has benefited from this struggle, which it helped to produce, posing as the defender of the Sunni against the Jaysh al-Mahdi even as it terrorizes Sunnis into supporting it. AQI's hold cannot be broken without addressing the pressure of Shia extremists on these Sunni communities, as well as defending the local population against AQI attacks.

This task is dauntingly complex, but not beyond the power of coalition forces to understand and execute. American and Iraqi troops throughout central Iraq have been working aggressively to destroy AQI strongholds like those in Arab Jabour, Baquba, Karma, and Tarmiya and in the Baghdad neighborhoods of Ameriyah, Ghazaliya, and Dora, and have largely driven the takfiris out of the major population centers and even parts of the hinterland. As U.S. forces have arrived in strength and promised to stay, thousands of Sunnis have volunteered to fight the terrorists and to protect their neighborhoods by joining the Iraqi army, police, or auxiliary ''neighborhood watch'' units set up by U.S. forces. In these areas, however, coalition forces have also had to work to protect the local Sunni from attacks by the secret cells of the Shia militia and by Shia militia members who have penetrated the Iraqi national and local police forces. The continued presence of American forces among the population is a key guarantor against attack by the Jaysh al-Mahdi as well as AQI reprisals. Indeed, the Sunni insist upon it as the condition for their participation in the struggle against the takfiris.

The description of the new U.S. strategy as ''protecting the population'' is shorthand for this complex, variable, and multifaceted approach to the problem of separating AQI from the population and supporting the rising indigenous movement against the takfiris. It has been extremely successful in a short period of time—Anbar in general and Ramadi in particular have gone within six months from being among the most dangerous areas in Iraq to among the safest. AQI strongholds like Arab Jabour and Baquba are now mostly free of large-scale terrorist infiltration, and their populations are working with the coalition to keep the takfiris out. The overall struggle to establish peace and stability in Iraq clearly goes beyond this fight against AQI, but from the standpoint of American interests in the global war on terror, it is vital to recognize our success against the takfiris and the reasons for it.

THE OUTLOOK

AQI—and therefore the larger al Qaeda movement—has suffered a stunning defeat in Iraq over the past six months. It has lost all of its urban strongholds and is engaged in a desperate attempt to reestablish a foothold even in the countryside. The movement is unlikely to accept this defeat tamely. Even now, AQI cells scattered throughout the country are working to reconstitute themselves and to continue mass-casualty attacks in the hope of restarting widespread sectarian conflict from which they hope to benefit. If the coalition abandoned its efforts to finish off these cells and to prevent them from rebuilding their networks, it is quite possible that they could terrify their victims into taking them back in some areas, although AQI is unlikely to be viewed sympathetically by most Iraqis for a long time to come.

If, on the other hand, coalition forces complete the work they have begun by finishing off the last pockets of takfiris and continuing to build local Iraqi security forces that can sustain the fight against the terrorists after American troops pull back, then success against the terrorists in Iraq is likely. That success will come at a price, of course. The takfiris have only the proverbial hammer in Iraq at this point, and they are now in the position of seeing every problem as the proverbial nail. Their hammer can be effective only if no one is around to protect the population: Their violence consistently drives Iraqi sentiment against them and their ideology. So the prospect of a thorough and decisive defeat of the terrorists in Iraq is real.

It is too soon to declare victory in this struggle, still less in the larger struggle to stabilize Iraq and win the global war on terror. AQI can again become a serious threat if America chooses to let it get up off the mat. Other significant takfiri threats remain outside Iraq, such as the al Qaeda cell that has been battling Lebanese military forces from the Palestinian refugee camps in Lebanon and the aggressive al Qaeda group in the Islamic Maghreb that has proclaimed its intention of conquering all of North Africa and restoring Muslim rule to Spain. Each al Qaeda franchise is subtly different from the others, and there is no one-size-fits-all solution to defeating them. But our experience in Iraq already offers lessons for the larger fight.

The notion that there is some ''real'' al Qaeda with which we should be more concerned than with AQI or any of the other takfiri franchises is demonstrably false. All of these cellular organizations are interlinked at the top, even as they depend on local facilitators and fighters in particular places. The Iraqi-ness of AQI does not make it any less a part of the global movement. On the contrary, if we do not defeat AQI, we can expect it to start performing the same international functions that al Qaeda and the Taliban did in Afghanistan: Locally active AQI cells will facilitate the training, planning, and preparation for attacks on Western and secular Muslim targets around the world. As has often been noted, the overwhelming majority of the September 11 attackers were Saudis, yet their attacks were made possible by facilitators who never left Afghanistan. AQI, if allowed to flourish, would be no different. It has posed less of a threat outside Iraq because of the intensity of the struggle within Iraq—just as the takfiris among the Afghan mujahedeen posed little threat outside that country as long as they had the Soviet army to fight. If the United States lets up on this determined enemy now and allows it to regain a position within Iraqi society, it is likely that AQI cells will soon be facilitating global attacks.

The idea that targeting these cells from the air or through special operations is an adequate substitute for assisting the local population to fight them is also mistaken. Coalition forces have relied on just this approach against al Qaeda in Afghanistan and Pakistan since 9/11, with questionable results. Granted, there have been few successful attacks against Western powers, none of them in the United States, for which this aggressive targeting is surely in part responsible. But recent intelligence estimates suggest a strengthening of the al Qaeda movement. In Iraq, years of targeting AQI leaders weakened the movement and led it to make a number of key mistakes, but did not stop mass-casualty attacks or stimulate effective popular resistance to the takfiris. It seems doubtful that Muslim communities—even those that reject the takfiri ideology—are capable of standing up to the terrorists on their own or with only the support of intelligence-driven raids against terrorist leaders and isolated cells.

Iraq has also disproved the shibboleth that the presence of American military forces in Muslim countries is inherently counterproductive in the fight against takfiris. Certainly the terrorists used our presence as a recruiting tool and benefited from the Sunni Arab nationalist insurgency against our forces. But there is no reason to think that Iraq would have remained free of takfiri fighters had the United States drawn down its forces (or should it draw them down now); it is even open to question whether a continued Baathist regime would have kept the takfiris out. The takfiris go where American forces are, to be sure, but they also go where we are not: Somalia, Lebanon, North Africa, Indonesia, and more. The introduction of Western forces does not inevitably spur takfiri sentiment. When used properly and in the right circumstances, Western military forces can play an essential role in combatting takfirism.

This is not to say that the United States should invade Waziristan and Baluchistan, or launch preemptive conventional assaults against (or in defense of) weak Muslim regimes around the world. Each response must be tailored to circumstance. But we must break free of a consensus about how to fight the terrorists that has been growing steadily since 9/11 which emphasizes ''small footprints,'' working exclusively through local partners, and avoiding conventional operations to protect populations. In some cases, traditional counterinsurgency operations using conventional forces are the only way to defeat this 21st-century foe.

Muslims can dislike al Qaeda, reject takfirism, and desire peace, yet still be unable to defend themselves alone against the terrorists. In such cases, our assistance, suitably adapted to the realities on the ground, can enable Muslims who hate what the takfiris are doing to their religion and their people—the overwhelming majority of Muslims—to succeed. Helping them is the best way to rid the world of this scourge.

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

Mr. KYL. Mr. President, I would be happy to yield.

Mr. KERRY. Is the Senator from Arizona suggesting there is not a civil war in Iraq?

Mr. KYL. Mr. President, what I am saying is the primary conflict that concerns the United States of America forces right now is defeating al-Qaida in Iraq and the conflicts that al-Qaida in Iraq have instigated, which include conflicts between Sunnis and Shias.

Mr. KERRY. Is the Senator aware that 60 percent of Iraq is Shia, that Shia are viewed by al-Qaida as complete apostates outside of Islam, that they do not get along, that the Kurds do not get along—and they are 20 percent of Iraq; therefore, 80 percent of Iraq will have nothing to do with al-Qaida—and now the Sunni in Anbar decided they do not want anything to do with al-Qaida, and that most of the injuries to our troops are from IEDs, and that most of the conflict in Iraq that has moved 2 million people out of Iraq and 2 million people within Iraq and changed Baghdad from 60 percent Sunni to 75 percent Shia—is he aware that, in fact, al-Qaida is not responsible for that, but it is the Jaysh al-Mahdi and it is the militia and it is the Badr army and everybody except for, fundamentally, al-Qaida that is doing that?

That is the fundamental violence and conflict which requires the political settlement General Petraeus cannot produce, only the Iraqi politicians can produce. Is he aware of that?

Mr. KYL. Mr. President, I will be happy to respond by saying, I am aware that many of the things asserted by the Senator from Massachusetts are incorrect.

I am aware al-Qaida in Iraq is a major force——

Mr. KERRY. Let me ask the Senator—

Mr. KYL. May I complete my answer to the Senator's lengthy question?

Mr. KERRY. How many al-Qaida are in Iraq?

Mr. KYL. Al-Qaida in Iraq—as is evident from the article I had printed in the RECORD; and I would be happy to share a copy of that article with my friend from Massachusetts—is a major force in Iraq, and is, in addition to being part of the force we are fighting, an instigator of violence between some of the groups the Senator from Massachusetts mentioned.

Now, let me say one other thing. I intended to conclude my remarks by laying down an amendment which Senator LIEBERMAN and I are prepared to debate tomorrow, not right now. But the Senator from Massachusetts mentioned the IEDs. Of course, I know the Senator is aware that a lot of the newest equipment and training, and in particular this virulent, this very destructive IED that is being used in Iraq, is coming from Iran, and that part of what we need to do is to deal with Iran in the context of this conflict in Iraq as well, and in particular the group in Iran that is supplying this equipment. For that reason—

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

Mr. KYL. I will be happy to yield the floor to the Senator as soon as I conclude my business. Then the Senator from Massachusetts can go ahead and make his full statement, if that would be all right.

AMENDMENT NO. 3017 TO AMENDMENT NO. 2011

Mr. President, what I want to do, in concluding my remarks, is, on behalf of Senator LIEBERMAN and Senator COLEMAN and myself, send an amendment to the desk that is a sense of the Senate on Iran, which is how it is titled.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. LEVIN. Mr. President, I understand this is going to be simply sent to the desk, it is then going to be read, and then we are going to set aside that amendment. That is understood by the Senator from Arizona?

Mr. KYL. That is correct, Mr. President.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LIEBERMAN, and Mr. COLEMAN, proposes an amendment numbered 3017.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding Iran)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq''.

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state''.

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that ''Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically''.

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that ''[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling... It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity''.

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that ''[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border''.

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that ''[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force... We believe that he works directly for the supreme leader of the country''.

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that ''[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap''.

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that ''[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability''.

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that ''[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white... We interrogated these individuals. We have on tape... Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not... So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received''.

(10) General Petraeus further stated on September 14, 2007, that ''[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth... In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January''.

(11) The Department of Defense report to Congress entitled ''Measuring Stability and Security in Iraq'' and released on September 18, 2007, consistent with section 9010 of Public Law 109–289, states that ''[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians... Tehran's support for these groups is one of the greatest impediments to progress on reconciliation''.

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that ''[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps–Qods Force... For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May''.

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that ''I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business...Right now, I haven't seen any sign of earnest or seriousness on the Iranian side''.

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that ''[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a

Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

Mr. KYL. Mr. President, as I said, the chairman of the committee is correct, the intention was to simply lay this amendment down tonight on behalf of Senators LIEBERMAN, COLEMAN, and myself. We will debate it after we have concluded further business.

I yield the floor.

The PRESIDING OFFICER. The Senate from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment be set aside.

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

AMENDMENT NO. 2898

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, there is no time agreement. As I understand, there is an order of speakers.

The PRESIDING OFFICER. That is correct.

The Senator from Massachusetts is now recognized.

Mr. KENNEDY. Mr. President, I support this amendment.

As we continue debating how best to support America's brave military forces in Iraq, we must be clear where we stand on the war. I strongly support our troops, but I strongly oppose the war. The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future so we can bring troops back home to America.

The administration's policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics in which sectarian leaders are unable or unwilling to make the tough judgments needed to lift Iraq out of its downward spiral. We are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and putting our troops at greater risk.

We have lost our focus on apprehending terrorists and on capturing those who seek to destroy America. Osama bin Laden remains at large. The war in Iraq has enabled al-Qaida to recruit terrorists more effectively to work against America.

Our policy in Iraq continues to exact a devastating toll. Nearly 4,000 American troops have died—80 in my State of Massachusetts—and 30,000 have been injured. We need to have a policy that is worthy of the valor of the brave men and women who have been fighting there for the last 4½ years. The toll on Iraqis is immense. Tens of thousands of Iraqis have been killed or injured, and more than 4 million Iraqis have been forced to flee their homes. If that were in American terms, it would be 45 million Americans who would have lost their homes, effectively 20 Katrinas would have taken place here in the United States—when we look at what has happened to the Iraqi families during this period of time. Nearly a half trillion dollars has been spent fighting this war. Our generals have acknowledged over and over again that a military solution alone is not the answer to Iraq's problems. After four bloody years, political reconciliation remains illusive, and Iraqi politicians are not being held accountable to any standard of progress or success. Yet the President unacceptably continues to impose the enormous burden of Iraq's sectarian violence on the backs of American troops, with an open-ended commitment—with an open-ended commitment.

Our military is stretched to its limits; it is nearing its breaking point. The American public has lost confidence in the current direction of the war. They are tired of a war based upon a failed policy that has made America no safer and that is subjecting our military to Iraq's intractable civil war. They are tired of the administration's promises that success is just around the corner. They want to know when the nightmare of Iraq will end.

How much longer will President Bush insist that our troops be held hostage to the abysmal failure of the Iraqi Government to make the political compromises essential to end violence, especially when there is no indication—no indication—that they will do so any time soon? How many more brave Americans must die? How many more billions of taxpayers' dollars must we spend? How much more of a burden must we place on our military?

We all know what is going on. President Bush's strategy is delay and delay. We never should have gone to war in the first place, and his misguided war has now gone on for more than 4 years. The situation is not improving; it is worsening. It is not showing signs of meaningful progress. Year after year, it has failed to deliver political reconciliation. The President finally admitted to Congress and the American people last week that his successor, the next American President, will inherit the war in Iraq. He calls himself a decider, but he refuses to make the decision to end the war.

President Harry Truman said: ''The buck stops here.'' The last thing President Bush wants is for the buck to stop on his desk. He is desperately trying to buy time in order to pass the buck to his successor in the White House.

The first President Bush went to war with Iraq after 52 Senators voted in favor of a resolution of approval. Now, 53 Senators have voted for a timetable to end the war. But this President vetoed the bill because he refuses to accept responsibility to end a war he never should have started.

It is time to stop this madness. This amendment does that. It requires our combat troops to begin to come home in 90 days. It requires a change in mission for our military. It requires the vast majority of our combat troops to come home in 9 months. It is up to us to end the open-ended commitment of our troops that the President has been making year after year. The Iraqis need to take responsibility for their own future, resolve their own political differences, and enable our troops to come home.

We need to tell the Iraqis now that we are going to leave, and leave soon. Only such a step can add the urgency that is so clearly necessary to end their differences. We can't allow the President to drag this process out any longer, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, any American I know should be, and is, vitally interested in what is happening in Iraq and what our policy should be. There is no doubt that good people can disagree about how we should handle this important and difficult situation. Nobody's patriotism should be questioned in this process. But I would urge that these disagreements that might be expressed be expressed in ways that minimize the negative impact on what may be, and will be the decided policy of the United States. In other words, we need to be sure that as we conduct this debate—we have a policy in this country, and we need to make sure that we execute it in a way that most likely will provide us a method of success.

Let me recap the history of how we got here because I think it is important. By more than a three-fourths vote, 77 Senators in this body authorized the use of military force in Iraq. The initial invasion and removal of Saddam Hussein went well, surprisingly well—better than most would ever have expected. But the postinvasion situation has been much more difficult than expected. My personal view, for what it is worth—and it

may not be worth much—is that we underestimated the difficulties of establishing a functioning democracy in an undeveloped nation that had deep sectarian divides, that had no history of law or democracy, and that had been traumatized by years of oppression in a war. So we can look back and say there are a lot of mistakes out there that have been made, but I think the real problem is we are facing a difficult job that is not going to be easy, and no one should underestimate the challenge.

But we must honestly evaluate our current position and use this time in this Congress right now to decide what we are going to do. I know good people will disagree, but we will reach a decision before this debate is out. So we owe nothing less to those fabulous men and women who serve us in Iraq than to give this our best judgment, our hardest work, our most sincere consideration. There can be no doubt but that this is the correct time for a national evaluation.

Remember how we got here. In May—May 24 of this year—in a bipartisan vote, we voted to clearly affirm the surge; 80 to 14 was what that vote was. We debated the question. We knew General Petraeus was there. The President asked that we fund 30,000 additional troops as part of this surge, and we decided to do so. We voted for it. This Congress said we will execute that surge. I remember Senator REID and Speaker PELOSI meeting with the President and working on the deal, and we agreed to do the surge 80 to 14 on final vote. So it is really not President Bush's surge or General Petraeus's surge, it was and is America's surge, and our troops are carrying out America's policies. I hope our colleagues here won't be adopting the reasoning of MoveOn.Org instead of recognizing the responsibilities that we all have to those we have sent into harm's way.

Now, no one in May was sure how things would work out. Things had not gone well in 2006 and in early 2007. All of us were worried about what was happening. Violence had increased, the uncertainty had increased, and I think Congress rightly was concerned. After debate, we decided to execute the surge operation which was more than just increased troops, and I will talk about that in a minute. We decided that, for the purpose of openness and accountability, as part of the funding of this war that we had appropriated, we wanted some reports. In fact, we asked for five separate reports. Those reports have been produced as required. A report was required on the status of 18 benchmarks submitted by July 15. A report was required for an independent commission of experts to report not later than September 1 analyzing the progress of the Iraqi security forces. That was the General Jones commission, former supreme allied commander in Europe, former commander of the United States Marine Corps, and 20 other experts compiled that report. A report from the GAO, the comptroller general, on whether the 18 benchmarks had been achieved by September 1; a followup on the benchmarks report submitted by September 15. Then public testimony was required from the U.S. Ambassador to Iraq and the commander of Multi-National Forces Iraq, General Petraeus, not later than September 15.

We have had all of that in the Armed Services Committee, of which I am a member. We had Mr. Walker from GAO give the GAO report. We had General Jones and his commission give their report, and we had General Petraeus and Ambassador Crocker give their reports. They testified before the House. They testified before other committees. We have had now a national discussion about this situation, and it is time for us to begin to make some decisions. So what I hope we will do is make a decision, and we will stick by it, and next week we would not have leaders in this body saying it is a failure before it ever gets started, as we have had in the past.

Let me summarize the reports that came in briefly. The administration report on benchmarks, as well as a GAO report, shows that we had some progress on some matters but that there had been limited political progress in Iraq. I would note that the GAO report, which was valuable and I think not inaccurate but could be misinterpreted, was important. It did not, however, incorporate data from August and early September from Iraq. That data shows remarkable progress in those recent weeks, and it was not part of its report. So the progress on the military front that they reported was not as significant as the later reports would show. It only measured whether the goals of each one of the benchmarks were fully achieved. It didn't measure whether progress had been made.

Ambassador Crocker, on the benchmarks, made some important comments. Those I would point out to my colleagues. One, he said, yes, an oil law had not been passed by the Iraqi Parliament. They couldn't get together on that. Sometimes we can't get together in this body and agree on things. So what happened is, they are indeed sharing oil revenue throughout the provinces in a fair and just way, although they have not yet been able to pass an overall oil law. So we are saying, according to benchmarks, they haven't met the benchmarks because the benchmarks said they must pass an oil law that would share their resources. But, in fact, they are sharing.

He talked about a benchmark dealing with reconciliation with former members of the Baathist Party and the Saddam Hussein regime. He said, no, they had not been able to pass in the parliament the legislation that would effectuate, as we would like to see it, a reconciliation among the former Baathists and the current leadership in Iraq, but it was happening out there. He said in various different places throughout Iraq former members of Baathist activities are coming into the government, Sunnis who allied with al-Qaida are coming in and working with the American military, and at the grassroots level real progress is being made and reconciliation is occurring in a lot of different places in Iraq.

Now, the Jones commission was a very valuable commission. General Jones is a very distinguished, 40-year veteran of the U.S. Marine Corps, former commandant. He served as supreme allied commander of Europe and commander of USOCOM. This bipartisan commission he headed was composed of 20 members representing senior military leaders, civilian officials, former chiefs of police, former DC Police Chief Charles Ramsey, former TRADOC Commander General John Abrams, and Mr. John Hamre, former Under Secretary of Defense in the Clinton administration, a respected voice on defense matters. Between them, the commissioners had more than 500 years of collective military experience and more than 150 years of police experience.

The Commission reported strong progress within the Iraqi Army but much weaker progress among the national police—in fact, unacceptable activity within the police. They called for massive reform and restructuring of the Iraqi police forces.

I asked General Jones and his colleagues in this fashion—I told him that before General Petraeus went to Iraq to take over the effort there, he told us he would define the challenge as being ''difficult, but not impossible.'' So I asked General Jones:

What are our realistic prospects for a long-term situation in which there is some stability and a functioning government that is not threatening to the United States?

This is what General Jones said:

Senator, I think that General Petraeus's words were correct. I think it is a difficult situation that is multifaceted. It is about bringing about in Iraq not only safe and secure conditions, but a completely different method of government, jump-starting an economy, rule of law. The whole aspect of transition is just enormously complex.

He added this:

And regardless of how we got there, we are where we are. It is, strategically, enormously important not only nationally, but regionally and globally, for this to come out and be seen as a success. And our report, I think, not only unanimous but very hard-hitting in certain areas, intentionally makes the point that there are some good things happening and that we are all excited to see that. That is certainly encouraging, but there is more work that needs to be done. We wanted to be very specific about where we think that work should be done. It doesn't mean it can't be done.

They call for a massive overhaul of the Iraqi police. He said it is difficult and it needs to be done. More progress needs to be made, but it is not impossible. So I followed up with that. I said:

Did any of your commission members, or any significant number of them, conclude that this could not work, that this was a failed effort, or that we ought to just figure

a way to get out of there regardless of the consequences?

Here is General Jones's answer:

I don't believe that there is a commissioner that feels that way. But let me just take a poll right now.

He turned around and surveyed the Commissioners, and they all agreed with General Jones.

Then General Petraeus and Ambassador Corker came before us last week to give their report, which detailed progress on a number of different levels. General Petraeus is one of our most distinguished officers in the Armed Forces. He graduated as an academically ''distinguished cadet'' from West Point. He was the General George C. Marshall Award winner as the top graduate of the U.S. Army Command and General Staff College, class of 1983. He also has a master's and a Ph.D. from Princeton, and he served as a professor at West Point. He is on his third tour in Iraq.

I know a lot of people in this body think they have figured out how to deal with Iraq. He spent 2 full years there and now over a half a year again in Iraq dealing with these circumstances. He is a very capable person, as anyone can well see.

Well, I have been to Iraq six times. On the first trip, I met General Petraeus. He commanded the 101st Airborne in Mosul. They were achieving some fine success and reconciliation. They were able to catch Saddam's sons, Uday and Qusay. He worked with Alabama engineering National Guard units impressively, in my opinion, to bring them on line in an effective way. I was impressed in my meeting with him.

The next year, he came home, and then they asked him to go back to train the Iraqi Army. He went back and took charge of that operation and spent a year doing that in Iraq, meeting people in Baghdad and getting a real feel for that country. Then he came home.

When he got home, he wrote the counterinsurgency manual for the U.S. Department of Defense, which details the principles and tactics that can work to defeat an insurgency. In fact, insurgencies can be defeated if you have a sustained and intelligent policy that is well led. So he wrote that manual, and President Bush met with him and decided to send him back a third time in January, and he asked him to lead this effort. He has been doing so with integrity, skill, and effectiveness. As a matter of fact, one commentator said even in the early months you could feel that there was a new atmosphere and a new strategic vision and new leadership. It was filtering down throughout the system.

So to have a group like MoveOn.org suggest—not suggest but call him a traitor and a liar, that is despicable. I cannot imagine anybody who would not condemn such a statement. This is a patriot of the highest order. We have asked him to go into harm's way for the third time to serve the national interests of the United States, not serve President Bush—to serve this Congress, by a 80-to-14 vote in May.

So I am telling you that we need to get serious. We sent him there by a unanimous vote, confirmed him to be commander, and we voted to fund the operation, fund the surge. That wasn't President Bush who put up the money; we put it up. We asked him to come back and give us a report on how well it is going. We asked an independent commission to give us another report. We asked the GAO to give us a report. We have gotten those reports, and it is now time for this Congress to make some decisions. It is just that serious. This is a very important matter for the United States. It is important for us.

You tell me about the morale of the military. People say the morale of the military is not well. They are doing beyond anything I could expect. Reenlistments remain very high. I have to be amazed at that, and I know others are. We have a good reenlistment rate, and we are able to retain people and bring people into the military. They are going to Iraq and serving ably. As a matter of fact, in a moment, I will share a report from some of our Alabama people who came by to see me and what they had to say about their tour there. So we have done this, and we are now at a point where we have to make some decisions.

I have been asked: Well, has the situation changed since General Petraeus has made his report? I think it has, mainly because of what he said, not how he said it. I asked him back in January at his confirmation hearing would he always be truthful with the Congress and the American people about the status of this war and would he tell us if he didn't think he could be successful. He said that he would.

I asked him at this hearing: General Petraeus, when you came before us in January, before you went to Iraq, you had previously told me that no matter what happened, you would tell the Congress the truth. He told me that in private the night before. So the next morning, I asked him: Will you tell the truth to the American people? He committed that he would. So at this hearing last week, I asked him:

Have you, to the best of your ability, told this Congress the truth about the situation in Iraq today?

He said:

I have, yes, sir.

You can call him a liar if you want to. I don't. I believe he gave us the truth as he had the ability to give it to us.

I asked him further:

General Petraeus, in your opinion, is there a circumstance in which—in your opinion, is this effort in Iraq such that we cannot be successful, that we would be putting more effort in a losing cause if we continue it, or, in your opinion, do we have a realistic chance to be successful in this very important endeavor?

He replied:

Sir, I believe we have a realistic chance of achieving our objectives in Iraq.

So we received the reports and the information. What did some of that information tell us? I cannot tell my colleagues or the American people that this will continue, but, remarkably, violence in Baghdad is down dramatically. Remember, it was the President and everybody who acknowledged that if the large capital city could not be stable and was sinking into violence, there is no way we could have a peaceful settlement in Iraq and reconciliation and make progress. We had to reduce violence in Iraq. The report General Petraeus gave us and the charts he produced showed that civilian deaths in Iraq, in Baghdad, were down 70 percent. In his report, he declared that civilian deaths throughout the nation of Iraq were down 55 percent. Now, that is really big. Remember, the surge didn't reach full strength until June or July. He has only had the full surge in place for a month or two. So this is really big.

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

Mr. SESSIONS. Yes.

Mr. KERRY. On his own charts, he showed that two-thirds of the reduction of violence took place before our troops even got there; isn't that right?

Mr. SESSIONS. Mr. President, I will respond to that. I don't believe that is accurate.

Mr. KERRY. That is the chart, Mr. President.

Mr. SESSIONS. The most dramatic reductions in violence occurred in the last months of August and September. Regardless of that, I would say the Senator is making a point I think I can agree to—that it is not just the number of troops that are affected. General Petraeus is executing a strategy utilizing counterinsurgency tactics that are more suited to the problems in Iraq and are proving to be more effective in reducing violence and protecting the civilian people in Iraq.

Mr. KERRY. I further ask the Senator, if the civilian deaths are down to such a degree that Baghdad is such a security success, why did the Iraqi Legislature not reconcile on the issue of oil or debaathification?

Mr. SESSIONS. I will give my best answer to that. We had the President of the United States and the majority leader in the Senate say we had to have an immigration bill. They tried to pass it right here on the floor of the Senate. They could not pass it. The President could have stood on his head, and that bill would not pass.

Just because we think we can order the Iraqi Parliament to vote out some law doesn't mean they can do that. So I am really worried about it, frankly. I am fully willing to acknowledge that it is a very troublesome development that the Iraqi Parliament hasn't been able to pass laws to carry out some of these needed reforms. But I don't think they are going to be more likely to be effective in passing legislation if we precipitously withdraw, allowing violence to increase again and whatever

else might happen, with Iran expanding its influence.

I have to tell you that the substantial reduction in violence we have seen is not small. This is really large. If you told me when the surge started that we would see a 70-percent reduction in civilian deaths in Baghdad, I would not have believed it. I would have thought that would be more optimistic than I was prepared to be. So whether it will hold, I don't know. We have seen some improvement.

I know the Senator from Massachusetts would like to speak. I will just conclude by saying, OK, we have had these reports, we have seen this progress, and we know what the difficulties are. I have decided, based on General Petraeus's testimony, the Crocker testimony, the Jones Commission report, and other information we have, that things are moving in a better direction.

I personally believe it is the new tactics, not so much the number of soldiers. I am very happy General Petraeus has concluded he can draw down troops while maintaining this progress of reducing violence. In fact, he has recommended that within the next few weeks, a Marine unit not be replaced. So that represents an initial reduction in our forces within a few weeks. Then the next reduction will come before Christmas will be an Army brigade, and he would have 30,000 troops withdrawn by next summer and would report to us again in March on whether he could continue this rate of reduction or accelerate it.

There is not that much difference, I say to my colleagues, in what we want. Senator LEVIN wants to see troops withdrawn. He wants to see a stable Iraq. The question is, Do we do it with a mandated withdrawal rate dictated by Congress or do we do it in harmony with the situation on the ground that leaves us in the best possible position to allow a stable, peaceful Iraq, an ally to the United States, to exist?

I think we should accept the report. We should see this as good news, celebrate that some progress has been made and recognize that serious challenges are out there. I do believe Congress has every right to monitor this situation closely. We have every right to reject the President's recommendation, to reject General Petraeus's recommendation, to cut off funds and order our troops home if we so desire. I think that would not be a good decision. I think it would not be in the long-term interests of the United States of America. Therefore, I oppose the Levin amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator NELSON was scheduled to be the next speaker on this side of the aisle. He had to do that before 7 o'clock, so he will be unable to take that position. Senator KERRY is next in line on this side. However, I understand he is going to yield to Senator KENNEDY for a couple minutes for him to offer a unanimous consent agreement.

I thank Senator KERRY for his patience, as always. There is a lot of confusion and difficulty in scheduling speakers. He has been extremely patient. I appreciate it a great deal.

I wonder if Senator KENNEDY can be recognized for a couple of moments to propound a unanimous consent request, and then Senator KERRY can be recognized.

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

Mr. KENNEDY. Mr. President, I thank Senator LEVIN and my colleague and friend, Senator KERRY.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3580, received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, every day, families across America rely on the Food and Drug Administration in ways they barely realize. When they put dinner on the table, they are counting on FDA to see that it is free from contamination. When they care for a sick child, they are trusting FDA to make sure the drugs prescribed are safe and effective. From pacemakers to treatments for cancer to the foods we eat, FDA protects the health of millions of Americans, and oversees products that account for a quarter of the U.S. economy. The agency does all this on a budget that amounts to less than 2 cents a day for each citizen.

Yesterday, the House of Representatives approved legislation on FDA reform by a broad bipartisan majority of 405 to 7. Our House colleagues from all parts of the political spectrum united to send that bill to the Senate with a resounding bipartisan endorsement. We cannot wait another month, another week—or even another day. We must take action here and take action now to send that bill to the President.

The stakes could not be higher. Funding for the FDA's vital safety mission is reaching the breaking point. Unless we act, the FDA Commissioner will send a letter tomorrow to over 2,000 employees informing them that their jobs are slated for termination. This legislation provides nearly $500 million in new resources for FDA—including over $50 million for drug safety and $6 million for review of direct to consumer ads.

Americans are worried about the safety of the products they use—from food to toys to drugs—and they are right to be worried. Dangerous lapses in safety oversight have exposed American families to intolerable risks from lead paint in toys, to bacteria in foods, to drugs that cause unreported and lethal side effects. The right response is comprehensive, considered and bipartisan legislation—and that is what we have before us today.

At the heart of our proposal is a new way to oversee drug safety that is flexible enough to be tailored the characteristics of particular drugs, yet strong enough to allow decisive action when problems are discovered.

A second major element of our legislation is a public registry of clinical trials and their results. A complete central clearinghouse for this information will help patients, providers and researchers learn more and make better health care decisions. Now, the public will know about each trial underway, and will be able to review its results.

Our bill recognizes that innovation is the key to medical progress by establishing a new center, the Reagan-Udall Foundation, to develop new research methods to accelerate the search for medical breakthroughs.

The bill helps preserve the integrity of scientific review by improving FDA's safeguards against conflicts of interest on its scientific advisory committees, and it will end the abuse of citizens petitions that are too often used not for their intended purpose of brining important public health concerns to the attention of the FDA, but rather to delay the approval of generic drugs.

The proposal before the Senate today strikes the right balance on this issue. It rightly states that the mere filing of a citizen petition should not be cause for delay, but allows FDA to delay the approval of a generic application if it determines that doing so is necessary to protect public health. This is the right approach. It prevents abuse, but protects health.

The legislation also includes important reforms of direct-to-consumer, or DTC, advertising. I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me and with many members of the committee on this important provision.

Instead of the moratorium included in our original bill, the current proposal puts in place strong safety disclosures for DTC ads, coupled with effective enforcement. Under current law, safety disclosures can be an afterthought—a rushed disclaimer read by an announcer at the conclusion of a TV ad while distracting images help gloss over the important information provided. Our proposal requires safety announcements to be presented in a manner that is clear and conspicuous without distracting imagery. We also give FDA the authority to require safety disclosures in DTC ads if the risk profile of the drug requires them.

Our legislation also takes important first steps toward a safer food supply. These are only first steps—our committee will work on a comprehensive package of food safety legislation in the fall—but they are important steps. Consumers and FDA have too little information about contaminated food. Our bill creates a registry and a requirement to report food safety problems. Consumers will have information about recalls at their fingertips, and FDA's response will not be slowed by antiquated and inefficient reporting systems. Our bill also establishes strong, enforceable quality standards for the food we give our pets, to guard against the problems of tainted pet food that we have seen in recent months.

In this new era of the life sciences, medical advances will continue to bring immense benefits for our citizens. To fulfill the potential of that bright future, we need not only brilliant researchers to develop the drugs of tomorrow, but also strong and vigilant watchdogs for public health to guarantee that new drugs and medical devices are safe and beneficial, and that they actually reach the patients who urgently need them. Congress has ample power to restore the luster the FDA has lost in recent years, and this bipartisan consensus bill can do the job. I ask my colleagues to approve this needed legislation without delay.

H.R. 3580, the Food and Drug Administration Amendments of 2007, does a great deal to improve the regulatory process and to strengthen FDA's ability to enforce drug safety standards, particularly in the postmarket period. A recent study by the Institute of Medicine described FDA's post-market drug safety authority as ''aging and inadequate.'' Currently, FDA's ability to address potential health problems that become known after the drug has gone on the market is very limited. This is a serious weakness in the present system that must be corrected. This legislation will give FDA the authority, for the first time, to compel a drug company to add warnings of newly discovered risks on the drug label. As a result, in many cases the health risks involved in using potentially dangerous drugs will be disclosed to the public much sooner than they are today.

At the same time, this legislation makes clear that drug companies will continue to have the same independent responsibility to update the warning labels on their drugs in the future that they have under current law today. If a drug company learns of new dangers that its product potentially poses to the patients taking it, the company has a legal responsibility to immediately warn those patients of the risk of injury.

By enacting this legislation, we do not intend to alter existing state law duties imposed on a drug manufacturer to obtain and disclose information regarding drug safety hazards either before or after a drug receives FDA approval or labeling. We do not believe that the regulatory scheme embodied in this act is comprehensive enough to preempt the field or every aspect of state law. FDA's approved label has always been understood to be the minimum requirement necessary for approval. In providing the FDA with new tools and enhanced authority to determine drug safety, we do not intend to convert this minimum requirement into a maximum. The Institute of Medicine and others have found that FDA's past performance has been inadequate. While we fully expect substantial improvement as a result of the enactment of this bill, we cannot and do not expect the FDA or this new process to identify every drug specific safety concern before a drug manufacturer becomes aware or should have become aware of such concerns. Nor are the bill's requirements that companies disclose certain safety information to the government intended to substitute for the disclosure requirements that may be required under state law.

No one should be under the mistaken impression that the new authorities and resources provided under H.R. 3580 lessen in any way the obligation of a drug company to scrutinize vigilantly the safety signals for their drugs and proactively study such signals or change their labels when the evidence supports such a change. This new postmarket authority for FDA is not intended to alter the drug companies' independent obligation to promptly warn consumers of a drug's risks. Under current FDA regulations, a drug company is required to add new warnings to its labels as soon as it learns about new risks potentially posed by its drugs. The company must add the new warning even if FDA has not required a labeling change.

It is worth putting the situation in a little perspective. The legislation increases FDA's resources for post-market drug safety efforts significantly. FDA's current resources of about $25 million are increased by almost $55 million in the first year, to nearly $80 million. There will be increases in the next four years of $10 each year, so that FDA's post approval drug safety budget will be at about $120 million in 2012. This is the entire budget at the FDA to collect and analyze post-market safety information and respond with appropriate regulatory action. FDA must use these resources to police every prescription drug on the market—thousands of drugs.

By contrast, the drug industry had annual revenues in 2005 of over $200 billion. To be sure, significant portions of these revenues support research and development, profits, and marketing of drug products, but a mere 1 percent of these sales exceeds the entire budget of the FDA. It exceeds the agency's budget for postmarket drug safety by a factor of over one thousand. Many major brand drugs have annual revenues that exceed FDA's annual budget for post-approval drug safety. Consider the top 200 selling drugs in 2006: Merck's drug Fosamax Plus D came in 200th in 2006, with U.S. sales of $140 million. Sales from this one drug alone exceed the entire $120 million FDA budget for drug safety in the last year of this program. The 100th drug, Abbott's Kaletra, had 2006 sales of $350 million, nearly three times the FDA's annual drug safety budget for 2012. Thirtyeight drugs had U.S. sales exceeding $1 billion in 2006. The top selling drug, Pfizer's Lipitor had 2006 sales of nearly $6.6 billion, an amount more than 50 times FDA's annual drug safety budget in 2012 under this legislation.

Clearly, the resources of the drug industry to collect and analyze postmarket safety data vastly exceed the resources of the FDA, and no matter what we do, they will always have vastly greater resources to monitor the safety of their products than the FDA does. It is absurd to argue that the FDA, even with the enhanced resources and authorities provided by this legislation, commands the field when it comes to postmarket drug safety. The drug companies have the capacity to do a far more comprehensive job. If we are serious about quickly alerting the public to the health risks posed by drugs, the companies must be required to take the initiative in monitoring the safety of their products and immediately warning the public of newly discovered risks. Drug manufacturers cannot be allowed to ignore their responsibility and wait for the FDA to act.

To be sure, the legislation gives FDA the authority to command some of the resources of a drug company. FDA can order an epidemiological study or even a clinical trial, but this authority is not unlimited. Certain standards must be met before FDA can act to require a drug company to investigate a safety signal.

Importantly, a drug company has the ability and the responsibility to conduct these studies or clinical trials on its own initiative. Nothing in H.R. 3580 requires a company to wait and react to an order from the FDA for such a study or clinical trial, or to wait for FDA to order the company to change its label. The legislation retains the current, ongoing requirement, found in section 502(a) of the Federal Food, Drug, and Cosmetic Act, for a drug company to ensure that its label is not false and misleading. This statutory imperative is recognized in current FDA regulations. Section 901 of H.R. 3580 cites these regulations in the new section 505(o) of the Federal Food, Drug, and Cosmetic Act. These regulations obligate a company to propose a labeling change to enhance a warning or improve safety information without waiting to hear from FDA, and allow the company to implement the labeling change before the FDA has reviewed and approved the change.

In most cases, a drug company will learn about new risks from its product before the FDA does. Usually, it is the

manufacturer that possesses the information demonstrating a potential danger from the product. It is imperative that patients and health professionals learn about those new health risks as quickly as possible. For that reason, drug companies have, and must continue to have, an independent duty to warn drug users of the danger as soon as the company becomes aware of it. Otherwise, there will be long delays before consumers are alerted, and the number of injuries caused by the product will multiply.

What should motivate a drug company to investigate drug safety signals and take appropriate action to mitigate a safety risk? You can find the answer in several places: from the simple moral duty to do the right thing; from the duty to one's customers, who use one's products with the understanding, often promoted by direct-to-consumer advertising, that the company's highest interest is to bring safe and effective cures to the sick and ill of the Nation; and from a duty under State law to offer products that are free of defects, with adequate warnings about their risks. This legislation changes none of these duties, in any way, whether they arise from simple ethics, principles of contract law, or of tort law. Rather, the legislation provides FDA with additional resources and authority to be better able to step in when a company fails to live up to these responsibilities.

But some drug companies don't want to fully inform the public about these risks to patients' health, and they don't want to be held accountable when patients are injured or killed by their drugs. They would have liked this legislation to change the law to escape this responsibility. These drug companies wanted to convert FDA regulation from a safety floor into a ceiling, from a minimum safety standard designed to protect consumers into a liability shield designed to protect the drug companies. But Congress firmly rejected this approach.

If companies were allowed to conceal safety information until the FDA ordered them to disclose it, consumers would continue taking these dangerous drugs without knowing their risks for months or even years after the risks were discovered. Then, when the public finally learned of the risk, the drug company would be immune from suit for failing to warn its customers. Those who were seriously injured by the drug would have no legal recourse, even though the company had concealed the risk. The company would completely escape accountability for its failure to warn consumers. That would be totally unacceptable, and is not what we intend by this legislation.

Regulation by the Food and Drug Administration and product liability lawsuits against the manufacturers of harmful drugs work together to protect consumers. Both are needed to force drug companies to disclose health risks posed by their products as soon as those risks are discovered. Both are essential to identifying dangerous drugs and getting them off the market quickly. Effective regulation by the federal government and litigation by victims of dangerous drugs work hand-in-hand to keep patients safe and make drug companies more responsible. This legislation improves FDA oversight of postmarket drug safety, and does not undermine or preempt the efforts by injured patients to seek redress under State product liability law.

Congress has stated very clearly in the legislation that we do not intend the new authority being given to FDA to preempt common law liability for a drug company's failure to warn its customers of health risks. The legal duty of drug companies to warn consumers of the health risks of their products as soon as those risks are discovered is essential to effectively protecting the public from dangerous drugs. Legislation designed to protect consumers from dangerous drugs must not be distorted into a shield protecting drug companies from accountability.

Mr. ENZI. Mr. President, I rise today in support of HR 3580, the Food and Drug Administration Amendments of 2007. This comprehensive bill will enhance drug safety and provide key resources to the Food and Drug Administration. I am pleased that the House passed this bill yesterday, and that we have a chance to act on it today. It's been a long road for this bill, and I strongly urge my colleagues to vote yes and endorse the most comprehensive drug safety overt1aul in more than a decade.

This key FDA package includes four reauthorizations that must be done this year, along with essential new authorities for FDA to be able to react in a timely way to any safety problems that arise after a drug has been brought to market. With this new toolbox, FDA has the ability to identify side effects after the drug is marketed through active surveillance. FDA also has the authority to request labeling changes in response to new safety information, as well as a separate study or clinical trial to learn more about a particular, potential safety problem.

Not everyone got everything they wanted in this bill. That is as true of me as it is of anyone. I am deeply concerned about the provisions related to labeling changes and liability, given that we do not fully understand the implications of that language. This new rule of construction was part of the House-passed language and not something the Senate fully debated. If I would have drafted the bill, that language would not have been included. But this is a compromise bill, one that provides important new authorities, while preserving the quality we have come to expect of the agency. The changes made in the drug safety components of this legislation are critical to restoring peace of mind to Americans who want to be assured that the drugs they purchase to treat illnesses and chronic medical conditions can be relied upon and trusted. By acting today, we are ensuring that nearly 2000 dedicated public servants at FDA can continue to evaluate drugs and devices in a timely and thorough way, speeding these discoveries to patients while protecting the public health.

These new authorities will assist the agency in quickly and effectively responding to potential safety issues, including making labeling changes and requiring post-market studies to more fully examine potential risks. In addition, this bill expands access to clinical trials information for patients and providers and creates new methods to address potential conflicts of interest of advisory committee members to ensure greater accountability and preserve scientific integrity.

FDA currently has no mechanism for active, routine surveillance of potential safety problems. It cannot easily detect safety problems after a drug has been put on the market. This legislation fixes that challenge and ensures that FDA has the right tools to address drug safety after the drug is on the market. The legislation creates the capacity for routine, active, safety monitoring using large linked databases, what I like to call ''health IT for drug safety.'' I want to thank Senator GREGG for being the champion of this provision and ensuring that we crafted this provision appropriately.

This bill also includes renewal of two key provisions focused on children—the ''Best Pharmaceuticals for Children Act'' and the ''Pediatric Research Equity Act,'' which together ensure that drugs used in children are tested on children; as well as a proposal that will increase our ability to develop medical devices for children.

There has been a lot of attention paid to medical products in this debate. But we mustn't forget the ''F'' in FDA. This bill contains important food safety provisions to better protect our pet food supply, and track when food is adulterated.

I want to thank my colleagues Senators ROBERTS and HARKIN for their tireless efforts to provide an appropriate balance for direct-to-consumer advertising. I would also like to thank one of my colleagues on the other side of the Capitol, Representative SCHAKOWSKY of Illinois, for her constructive involvement in these issues. It was not an easy task to reconcile some very different opinions, and I am so pleased that we were able to reach a resolution to this issue that we could all support.

I would like to thank Senator ALEXANDER, Senator ALLARD, Senator BOND, Senator DODD, Senator CLINTON and others for their leadership on behalf of kids. Finally, I would like to thank Senator HATCH for his work on the antibiotics and other Hatch-Waxman issues.

On the other side of the Capitol, I would like to thank Chairman DINGELL, Ranking Member BARTON, and

Representatives PALLONE and DEAL for shepherding this legislation through the process.

I want to take a few minutes to thank the staff, who have spent countless hours over the past months negotiating and drafting this legislation. This dedication to public service often overlooked. They spent many evenings and weekends away from their homes and their families.

My health team worked overtime to get this bill to the floor and passed in the Senate. I would first like to thank my Health Policy Director, Shana Christrup. I also want to greatly thank Amy Muhlberg, for her work on drug safety, food safety and PDUFA. Her knowledge and drafting skills were central to this bill. I would also thank Keith Flanagan for his work on the children's statutes in this bill and Dave Schmickel, our resident drug patent expert for his work on citizens petitions and antibiotics issues. I would also like to thank Todd Spangler who provided the required backup that goes with moving a bill of this magnitude. Finally, I would like to thank my Staff Director, Katherine McGuire, whose steady hand and negotiating and communication skills provided the cement for the entire process.

I would also thank Ilyse Schuman, my chief counsel for her precision and attention to the details. Finally, I thank Amy Angelier Shank for her great work on the budget aspects of the bill and my press team Craig Orfield and Mike Mahaffey. My Chief of Staff Flip McConnaughey was great at putting out brush fires throughout the process.

Megan Hauck with Senator MCCONNELL's office, David Boyer with the White House, Craig Burton and Vince Ventimiglia at HHS and Stephen Mason of FDA were key to helping with both policy and process issues throughout the negotiations.

On Senator KENNEDY's staff, I would like to thank: Michael Myers, David Bowen, and David Dorsey. Senator KENNEDY's staffers were reasonable negotiators throughout the process and open and patient to hearing all sides of any issue.

On the other side of the Capitol, I would like to thank Chairman DINGELL, as well as John Ford, Virgil Miller and Pete Goodloe of his staff for their tireless work. Bobby Clark with Mr. PALLONE and John Little with Mr. DEAL were also instrumental in the negotiations. Ranking Member BARTON and his staff Ryan Long and Nandan Kenkeremath were outstanding. Yesterday, when this bill passed the House, Mr. BARTON reported that Ryan had been up all night working on the bill and was therefore wearing the same clothes as the day before. I would like to state for the record that all my staff showered today—I think.

Warren Burke with House Legislative Counsel and Stacy Kern-Sheerer of Senate Legislative Counsel were tremendous in handling a long and complex bill with lots of moving parts. There would be no bill without their efforts.

I would like to thank Senator HATCH and his staff Pattie DeLoatche, Trisha Knight, Remy Yucel and Matt Sandgren for their efforts on the bill overall, but particularly on the Citizen Petitions, antibiotics, and enantiomers provisions. Leigh-Anne Ross of Senator COCHRAN's staff and Landon Stropko of Representative CUBIN's office were also key on these antibiotic provisions.

With Senator GREGG's office, and for their assistance with ''health IT for drug safety,'' I thank Dave Fisher and Liz Wroe. Stephanie Carlton, from Senator COBURN's staff and Jenny Ware with Senator BURR were also integral to many parts of the bill.

I would also like to thank my colleague from Kansas, Senator ROBERTS, and his staff Jennifer Swenson, for their incredible work on direct-to-consumer advertising. I also thank my colleague Senator HARKIN and his staffer Janelle Krishnamoorthy for their hard work on this issue. Lindsay McAllister of Representative SCHAKOWSKY's office was also integral to the success of these negotiations.

I would like to thank Isaac Edwards and Amanda Makki of Senator MURKOWSKI's staff, Tyler Thompson with Senator ISAKSON, and Jennifer Claypool with Senator ALLARD for their hard work and dedication.

Ellie Dehoney of Senator BROWN's office was critical to reaching agreement on the Citizen Petitions and tropical disease provisions. Melanie Benning of Senator BROWNBACK's office was also instrumental on the tropical disease issue.

I would like to thank Mary-Sumpter Johnson with Senator ALEXANDER, Kelly Childress with Representative ROGERS, Jennifer Nieto with Representative ESHOO, Ann Gavaghan with Senator CLINTON, Tamar Magarik and Jeremy Sharp with Senator DODD for their exceptional work on the pediatric provisions.

And last, but not least, Cameron Bruett of Senator CHAMBLISS's Agriculture Committee staff, Adela Ramos of Chairman HARKIN's Agriculture Committee staff, and David Lazarus of Senator DURBIN's staff were extraordinarily helpful on the food safety provisions in the bill.

As you can see, this was a real team effort. I urge my colleagues to vote yes on this important bill. Patients are waiting. I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that today the Senate is poised to pass H.R. 3580, a bill regarding the Food and Drug Administration. This legislation addresses many important health care issues and I commend the Senate leaders and relevant committee chairmen for coming to agreement on this complex bill. I have been monitoring the ongoing negotiations between the House and Senate on this legislation because a slight variation in language between the two relevant bills could have affected the claims of thousands of injured American consumers.

Last week, I chaired a Senate Judiciary Committee hearing on the emergence of regulatory agencies like the FDA asserting that its regulations preempt all State laws, even in the absence of congressional intent to do so. At this hearing we received extensive testimony that the Bush administration has been using this approach to shield corporations from civil liability. This regulatory preemption model has been especially troubling in the area of pharmaceutical drugs. Several times in the past several years we have learned from whistleblowers and smoking gun documents that certain corporations knew of dangers in their medical products yet failed to adequately warn consumers. Many consumers have been injured as a result of this corporate misconduct and it is certainly not congress' intent to shield such corporate decisionmaking.

The legislation we are set to pass today contains a rule of construction making clear that Congress has again decided that we are not preempting State law regarding the responsibility of drug manufacturers to immediately notify consumers of dangers without waiting for the FDA to act. Drug companies maintain the authority to correct their warning labels if they learn of any information that their products could harm consumers. These corporations can and must immediately correct any existing warning that has been issued and cannot hide behind the Byzantine regulatory structure of the FDA to shield them from liability for causing serious injury. To do otherwise would endanger all Americans who may be injured by their products and would remove the important incentive the corporations currently have to make their products safer and to adequately warn consumers of potential dangers.

Mr. HATCH. As the Senate completes its consideration of H.R. 3580, the Food and Drug Administration Amendments Act of 2007, I want to take this opportunity to commend publicly the Food and Drug Administration and especially to express support and appreciation to the dedicated FDA employees who work so hard to ensure the safety of our drug and food supply. They are led by a very capable and hard-working Commissioner, Dr. Andrew von Eschenbach.

In our race to legislate and regulate, we often forget the impact of our actions on agency employees and their ability to safeguard American consumers. And so I want to take this opportunity to thank them for their work.

While I will not belabor the point here, as the legislation makes clear, the agency is operating under severe funding constraints. That is a pressing public health issue of great priority and the Congress must work to address it in a meaningful way.

With passage of this legislation today, we will end the protracted game of ''chicken'' that threatened the jobs of hundreds of FDA employees, the stability of the agency, and indeed the integrity of Congress, an institution which has been under public criticism for not doing its job.

I am proud to support the passage of H.R. 3580. I want to applaud the efforts of HELP Chairman KENNEDY and Ranking Republican Member ENZI. They have worked tirelessly to ensure this bill would be completed before the expiration of the user fee programs at the end of this month. They have worked in a bipartisan way and they have worked very hard to embrace the views of each and every member of our committee.

Let me highlight some of the important components of the FDARA bill.

First, it is imperative that we continue the drug and device user fee programs. This is true for one simple fact—the agency relies greatly on the funding from these programs, and without it there would be unconscionable delays in drug and device reviews.

This is particularly important for Utah, a State with the hallmark of innovation, a State which is the home to countless drug and device manufacturers.

And while there are some problems with how these programs have worked—problems I have been pursuing, and will continue to pursue, with the FDA—all in all it must be recognized that there is no alternative to the user fee programs being continued.

The drug safety provisions that Chairman KENNEDY and Ranking Minority Member ENZI developed will be seen as an important hallmark in our Nation efforts to improve the safety of pharmaceuticals that Americans rely on.

The food safety legislation that our colleague Senator DURBIN developed—again, that is a vital component. I am supportive of that language, and especially appreciative to my colleagues for including the three pieces of language Senator HARKIN and I authored to make certain that the new food reporting system did not override the Dietary Supplement Health and Education Act's regulatory structure and that it did not supersede the serious adverse event reporting system for dietary supplements enacted last year—the Dietary Supplement and Nonprescription Drug Consumer Protection Act.

This legislation also includes many other laudable provisions. One particular provision in this legislation establishes a new and enhanced mechanism for the prompt consideration of new safety-related information and sets forth strict timelines for the evaluation of such new data. That provision is designed to ensure that all potential safety-related labeling changes are promptly raised and duly considered by the agency in carrying out its statutory duty to oversee the appropriate and accurate content of a drug's labeling.

This new procedure is designed to implement a more thorough and regularized methodology for the consideration and implementation of safety-related labeling changes and to ensure that FDA is the ultimate authority in making certain that drug labels convey safety information in a clear and consistent way.

This provision, which adds a new section 505(o) to the Federal Food, Drug and Cosmetic Act, is designed to ensure that both the agency and pharmaceutical companies are able to modify quickly with the agency's approval drug labels so that physicians are alerted promptly to new or increased risks associated with a drug. The provision does not affect the agency's general policy on labeling or its current labeling rules and policy.

Also, the legislation promotes pharmaceutical and medical device advancements in pediatric therapies. The bill reauthorizes the Best Pharmaceuticals for Children Act and the Pediatric Research and Equity Act which have been vital for important research used by doctors and parents. The final language on both these provisions is a good compromise between the House and Senate bills.

Finally, it is my profound regret that the bill we consider now does not contain the Biologics Price Competition and Innovation Act, legislation that Senators KENNEDY, ENZI, CLINTON, SCHUMER, and I have authored. This bill is intended to offer consumers access to lower cost biosimilar products, copies of such important medications as insulin or human growth hormone, while preserving the incentives for researchers, universities and manufacturers to develop and market the innovator biologics.

I am extremely disappointed that the bill could not be contained in H.R. 3580, but I recognize the importance of allowing the House to develop its version in regular order.

It remains my high priority, and I believe the priority of my colleagues as well, that this legislation be enacted in 2007.

Mr. DURBIN. Mr. President, today, the Senate will send a bipartisan bill to the President that will improve the FDA's ability to assure the safety of drugs in our medicine cabinets and the food in our kitchens.

The FDA is an essential guardian of the public's health and safety. In recent years, FDA's reputation has been marred by drug safety incidents and questions about its scientific independence.

In 2004, the public learned that taking Vioxx, a heavily marketed pain medication, increased your risk of a heart attack and stroke. The revelation raised serious questions about how the drug manufacturer responded to signs of a problem and how FDA handled disagreements among its staff.

The Vioxx episode and problems with other FDA-approved drugs in recent years exposed significant weaknesses in our Nation's drug-safety system.

This year, Congress decided to do something about it. In addition to reauthorizing user fee programs for prescription drugs and medical devices, we have engaged in a serious effort to improve drug safety.

The bill gives the FDA more tools to detect the safety problems of drugs after they are available to consumers. It also creates an active surveillance system that will help detect problems that were not apparent during the clinical trials conducted prior to a drug's approval and it promotes greater openness by requiring disclosure of clinical trials performed by drug companies. Lastly, the FDA is given greater authority to require drug companies to add warning labels and to conduct safety studies.

I note the provisions in the bill that give FDA the authority to compel a drug company to make changes to a drug's labeling. That authority should not be seen as an absolution of the companies' responsibility regarding drug labeling. Consumers should be made aware of a drug's risks at the earliest possible moment, and drug companies remain responsible for ensuring that consumers are provided with prompt and adequate warning of a drug's risks.

We have noticed a creeping trend in recent years towards implied and agency preemption of state laws. Last week, a Senate Judiciary Committee hearing looked at techniques that Federal agencies, including FDA, have recently used to assert that agency rulemakings preempt state liability laws. The drug labeling provisions in today's legislation include a rule of construction that makes clear that Congress does not intend to preempt state requirements regarding drug companies' responsibilities. Rather, this legislation recognizes that State liability laws, including liability laws for improper drug labeling, play an essential role in ensuring that drug products remain safe and effective for all Americans.

The bill addresses two other issues of particular interest to me, new restrictions on conflicts of interest for FDA advisory committees and important provisions related to food safety.

I have been troubled by the large number of waivers of conflicts-of-interest rules that FDA issues to members of its advisory committees. The public depends on these committees to make independent assessments about the safety and effectiveness of drugs. Including members with financial conflicts can erode the public's trust in the process.

When the Senate debated this bill in May, I offered an amendment with Senator BINGAMAN that would have limited the number of waivers to one per advisory committee meeting. While the amendment was defeated on a 47–47 vote, the House included the language in its FDA bill.

The final bill includes a 25-percent reduction in waivers over the next 5 years. I would have preferred more of a reduction, but this compromise moves us in the right direction and I commend the conferees for addressing concerns raised in both chambers around conflicts of interest.

On the issue of food safety, I am happy to report that the bill includes food safety language that I originally offered on the floor of the Senate. The language passed on the Senate floor by a 94–0 vote.

The language creates a new reporting requirement for food companies that determine there is a significant adulterated food product in their supply chain. Previously, companies consulted trade associations and attorneys to determine when to report significant adulterations to the FDA. Uncertainty about reporting requirements and an incentive to keep products on store shelves resulted in uneven, delayed reporting of significant incidents to FDA.

Under this new policy, companies will now be required to report these types of incidents to FDA within 24 hours of determining the presence of such an adulteration. These reports will trigger an FDA review and, depending on the findings of the review, FDA would then have the authority to require further action from the company, including an investigation, submission of additional information, and the sending of notifications to affected parties in the supply chain. Companies would be required to maintain records of reports and notifications for a period of 2 years. Failures to report incidents, falsify reports, or comply with follow-up FDA requirements would be subject to civil and criminal penalties.

The effect of this language will be to involve Federal regulators in the review process earlier, resulting in faster recalls, alerts, and notifications through the supply chain. Contaminated products will be tracked and removed from the supply chain earlier and faster. Recalls will be more targeted to specific lots and batches of contaminated products. We will minimize some of the uncertainty around the extent of contaminations once they are discovered.

This provision is an important step forward for food safety.

In addition to this provision, the language directs FDA to establish pet food ingredient, processing, and nutrition labeling standards. Previously, these standards were completely voluntary and did not carry the weight of law. This section also directs FDA to establish an early warning and surveillance system to identify pet food adulterations and outbreaks of disease. In addition, the language directs FDA to improve its outreach and coordination with professional associations, universities, and state and local authorities during recalls. The agency is also asked to enhance the display of recalls on its website.

The bill directs FDA to strengthen its coordination with states to ensure the safety of fresh and processed produce and requires the Department of Health and Human Services to submit more detailed reports to Congress on the number of inspections conducted each year and the number of violations and adulterants discovered through inspections.

Lastly, it includes sense-of-Congress language that commits this Congress to working on comprehensive food safety reform.

On that note, I want to emphasize one thing—the food safety provisions in this legislation are only the starting point for more comprehensive efforts to improve our Nation's food safety system.

For too long we have gone without updating the resources and authorities for our food safety efforts, and a broad coalition of stakeholders understands that our system is broken. We need to close the gaps in our current system.

Several months ago, Robert Brackett, Director of the FDA's food arm said this in response to the pet food recall, ''These outbreaks point to a need to completely overhaul the way the agency does business. We have 60,000 to 80,000 facilities that we're responsible for in any given year. We have to get out of the 1950s paradigm.''

Also in response to this recall, Dr. Stephen Sundlof, Director of the Center for Veterinary Medicine of FDA, implied the same when he said, ''We're going to have to look at this after the dust settles and determine if there is something from a regulatory standpoint that we could have done differently to prevent this incident from occurring.''

I agree with their sentiments and look forward to making more progress on the issue of food safety.

I would like to thank my colleagues, Chairman KENNEDY and Senator ENZI, for their cooperation and willingness to work on this language. I would also like to highlight the efforts of the following members of their staffs: David Noll; Amy Muhlberg; David Dorsey; and David Bowen. I look forward to working with the Senate HELP Committee on future food safety efforts. I would also like to thank Senators HARKIN, BROWN, HATCH, and CASEY for their assistance with this language.

In particular, I also would like to thank Chairman KENNEDY and Senator ENZI for their extraordinary leadership and hard work on this overall bill.

Mr. ALLARD. Mr. President, today I wish to speak on an issue that is weighing on the minds of many Members of this body, employees of the Federal Government, and patients in the United States.

Many people working for the FDA are faced with the possibility of receiving a reduction in force notice if new user fee legislation is not passed quickly. The FDA needs the necessary resources so that they may approve drug applications within a timely manner. Being able to access new drugs can allow patients to live fuller lives, and in some cases, save them from death.

I am frustrated by what I have seen as a desire to have a partisan debate on an issue of liability. We have been working for some time now on a bipartisan level to ensure that we have a bill passed by Friday. We should not be throwing partisan politics into the debate during the 11th hour. Because I am committed to working on a bipartisan level, I continue to hope that we will have legislation passed to ensure that patients can get the drugs that they desperately need.

Some believe that the Senate position on liability may have favored the pharmaceutical companies. However, I am of the opinion that the House position favored the trial lawyers. Should we make any changes we should also ensure that any labeling change authority would not provide for an opportunity for partiality by the courts. I strongly believe that every individual should be allowed to argue equally for their particular case in court.

Currently the FDA regulation allows for labeling changes by accepting submissions from companies, and the company may make a label change. This is referred to as ''changes being effected'' or CBEs. A company also has the opportunity to discuss the change with the FDA before making a label change, since the regulations have a particular bound on what sort of changes can and cannot be made under this regulation.

The current authority may not be adequate to deal with all cases in which a labeling change may be necessary. An example that is referenced frequently deals with a Vioxx label change in which FDA had been talking to the company for 18 months. This situation has led to many pending suits related to Merck's ''failure to warn'' people that the drug had some potential side effects.

In the user fee reauthorizations this year both the House and Senate decided to give FDA the authority to do an expedited labeling change provision. In addition to this new authority, the House and Senate language included provisions that made it clear that the ''changes being effected,'' CBE, regulations should still stand. However, the House and Senate took different stances as to how that additional information or regulatory option should play out in court.

The Senate-passed language, which was done on a bipartisan level, would have established a new labeling change process. This language would have also implied that if a company was already in discussions with the FDA about the labeling issue, and attempting to determine if the labeling change was necessary, then a future lawsuit would have to argue how the company was acting in an improper way. In this situation, the FDA regulation would have ''occupied the field'' with respect to liability for failure to warn.

The House-passed language would have the opposite effect. Essentially a

company would not be able to use the argument that they were in the midst of discussion with the FDA as a defense. In my mind, the House language is a huge boon to trial lawyers. It also makes it harder for companies that are working in the best interest of the patient to prove that they are doing so. I have long been a supporter of reducing the opportunity for frivolous lawsuits, and in my mind the House language increases this.

I would even be happy dropping both the House and Senate language regarding liability. This would leave a situation in which either side would be on an equal playing field to argue a case on failure to warn. This situation would allow suits to be determined on a case-by-case basis. Congress would not be weighing in one way or the other.

The legislation that is expected to pass uses the House language on liability. It provides a source for bias in the courts and opens the floodgates for frivolous lawsuits. This is a definite boon for trial lawyers.

As with many other instances in which Congress has addressed the demands of trial lawyers, I am not willing to risk the livelihood of the employees at the FDA or the health of my constituents who rely on the drug applications approved by the FDA. I will not hold up the legislation, but I wanted to take this opportunity to express my dismay at the partisan way that the liability issue was addressed.

Mr. DODD. Mr. President, I rise today to voice my support for H.R. 3580, the FDA Amendments Act of 2007. H.R. 3580 contains two bills which I authored, the Best Pharmaceuticals for Children Amendments of 2007 and the Pediatric Medical Device Safety and Improvement Act of 2007. I believe these bills will go a long way toward improving the health and safety our Nation's children. The bill will also make important changes to our Nation's drug safety system so that the FDA has clear authority backed up by new enforcement tools to ensure the safety of prescription drugs once they are on the market.

As the original author of BPCA in 1997 and its two subsequent reauthorizations, I am proud to say that no other program in history has done more to spur research and generate critical information about the use of prescription drugs in children than this one. In 10 years, nearly 800 studies involving more than 45,000 children in clinical trials have been completed due to BPCA. Useful new pediatric information is now part of product labeling for more than 119 drugs. In sum, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents as a result of BPCA since its enactment.

Ten years ago when Senator Mike DeWine and I undertook this effort, only 11 drugs on the market that were being used in children had actually been tested and studied for their use. Prior to the enactment of BPCA 10 years ago, pediatricians were essentially flying blind because they lacked information regarding the safety and effectiveness of drugs they were prescribing for children. But it was children who suffered the most from taking drugs where so little was known about their effects.

With BPCA, we have changed the landscape both for drug companies and the FDA with respect to prescription drugs and children. However, we still have much further to go because even with the progress we have made so far, still less than half of all drugs being used in children have been studied for their use. H.R. 3580 makes several key improvements to BPCA that will better inform parents, pediatricians, and the public about the safety and effectiveness of drugs used in children. For instance, H.R. 3580 will improve transparency and accountability by making written requests for pediatric studies public and it will improve the accuracy and speed of labeling changes as a result of BPCA studies.

However, H.R. 3580 represents a real missed opportunity to inject a measure of rationality into this program to ensure that it will continue to thrive well into the future. H.R. 3580 dropped a Democratic compromise provision reducing the length of pediatric exclusivity from the current 6 months to 4.5 months only for blockbuster drugs, drugs with annual sales exceeding $1 billion. Five years ago and again recently, my colleagues on both sides of the Capitol dome have criticized this program over the 6-month length of the exclusivity that may be granted if the FDA believes a drug company successfully completed the pediatric studies it requested of them.

Most recently, data released by researchers at Duke University show that some companies receive as much as 73 times the amount they spent to conduct the pediatric trial under the 6 months of exclusivity. BPCA has always been about balancing the needs of children with the cost to consumers. That is why I strongly supported the provision I authored in the Senate bill, S. 1082, which reduced the length of exclusivity to 3 months for blockbuster drugs.

I was proud to have brokered a compromise between the House and Senate of 4.5 months for blockbuster drugs because this agreement was the right policy. But I am profoundly disappointed that the decision was made to drop this compromise. When my colleagues seek to make similar changes to the length of exclusivity in 5 years, I believe that the deal the House and Senate cut in H.R. 3580 will only make doing so more difficult.

I must also express my strong disappointment that the final bill inserts a 5-year sunset on the Pediatric Research Equity Act. As an original cosponsor of the reauthorization of PREA and a long-standing supporter of ensuring FDA has the authority to require pediatric studies of drugs in certain circumstances, there should be no expiration date on FDA's authority to ensure the safety of drugs in children.

The interplay between BPCA and PREA is changed slightly in H.R. 3580 from the Senate-passed bill. It is my understanding that H.R. 3580 will not delay the FDA's ability to utilize PREA's authority to require a pediatric assessment of new drugs that have not yet been approved should a company decline a written request under BPCA for such drug.

Similarly, an exhaustion provision was retained in BPCA that would allow the Secretary to take up to 30 days to certify in the affirmative that the Foundation for the National Institutes of Health has sufficient funding to initiate and fund all studies in a declined written request before determining whether an assessment under PREA can be required. Although the Secretary may take up to 30 days to make such a certification, the Secretary need not impose any delay before determining whether an assessment under PREA is warranted. As the Government Accountability Office found in its March 2007 report on BPCA, contributions to the Foundation for the National Institutes of Health by the drug industry totaled a mere $4 million since 2002. While I hope contributions to the foundation will improve significantly, there should be no unnecessary delays when it comes to important safety information about medications prescribed to our children.

Mr. President, BPCA has shown us that it is unsafe to simply treat children as small adults. Children face a similar inequity with respect to medical devices. Far too few medical devices are specifically designed for children's small and growing bodies. Experts say that the development of children's medical devices lags 5 to 10 years behind that of adults. That is largely due to the limited size of the market for pediatric devices.

When a medical device suitable for a child is needed to save that child's life but it does not exist, doctors are often forced to ''jury-rig'' adult versions of the device or, in some cases, perform a riskier surgery on the child. Ventilator masks, for instance, are far too large to fit over a baby's mouth. Often, the only alternative is to run an invasive tube down the baby's throat.

Because of what we witnessed over the past 10 years with the market incentives provided under BPCA, I introduced an initiative, the Pediatric Medical Device Safety and Improvement Act, to create similar incentives for device manufacturers. I am pleased that this legislation is contained within H.R. 3580 and I believe it will produce tremendous improvements in children's health.

This legislation streamlines the approval process for cutting-edge technology and establishes grants for matchmaking between inventors and manufacturers and the Federal Government. It is my hope that the FDA will

utilize its Office of Orphan Products Development to administer these matchmaking demonstration grants.

Balancing safety with reasonable incentives, this legislation closely mirrors recommendations made by the IOM in its 2005 report on pediatric medical device safety to improve the serious flaws in the current postmarket safety surveillance of these devices. Specifically, the IOM called for and the legislation allows the FDA to require postmarket studies as a condition of clearance or approval for certain categories of devices and it gives the FDA the ability to require studies longer than 3 years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer-term pediatric questions, such as the impact on growth and development. This provision should not be seen to encourage or promote off-label pediatric use of devices that have been cleared or approved for adult use but for which there is no or limited safety and effectiveness data concerning uses in children.

H.R. 3580 will also go a long way toward restoring the public's confidence in the FDA to protect them against harmful prescription drugs and foods. For too long, the FDA has lacked the clear authority to require labeling changes when new safety information about a drug arises. H.R. 3580 will change that.

For too long, the pressure on FDA to approve drugs has outweighed the necessity to have a systemic, unbiased review of the post-market safety of drugs whereby the FDA can take swift action should new safety information arise. I am pleased that the drug safety provisions of H.R. 3580 will require contain requirements that the FDA's office responsible for post-market safety of drugs have equal footing with the office responsible for reviewing drugs.

As the author of S. 467, the Fair Access to Clinical Trials Act, I am pleased that H.R. 3580 contains many major improvements to the clinical trials provisions. Physicians, researchers, and the public will now have access to a clinical trials registry with information on results, making it tougher for companies to hide or skew undesirable clinical trial results data.

I would like to thank Chairman KENNEDY for his leadership on this bill and his willingness to work so closely with me to improve children's health. I would also like to recognize the many staff who put in long hours and weekends working on this legislation. In particular, I would like to commend Tamar Magarik and Jeremy Sharp, of my staff, who worked extensively on this bill.

Mr. President, the past several years have been marked with major drug controversies—Vioxx, Ketek, Avandia—with millions of families affected. The public deserves better. The mission of the FDA, to protect the public health by assuring the safety, efficacy, and security of human and veterinary drugs, must be restored. H.R. 3580 provides the necessary reforms to restore the FDA as the gold standard for assuring the safety of the public for many years to come.

Mr. BURR. Mr. President, I stand here with a heavy heart. Congress had the chance to reauthorize many important programs at the Food and Drug Administration and pass a targeted drug safety bill. Instead, we are passing a massive bill that triples FDA regulation and responsibility, puts clinical data out in the general domain that may be misleading to patients, and contains conflict of interest language that could harm participation on the FDA's advisory committees—a key part of the drug approval process.

I will start with a good part of the bill. This bill reauthorizes many important programs at the FDA, including the pediatric exclusivity program. The Best Pharmaceuticals for Children Act was originally enacted as part of the Food and Drug Administration Modernization Act in 1997, legislation I sponsored on the House side and was reauthorized in 2002. The goal of BPCA is to encourage the study of more drugs in the pediatric population. BPCA provides that incentive by giving drug companies an additional six months of market exclusivity to a product, or pediatric exclusivity, in exchange for conducting voluntary studies of prescription drugs on children.

Since its enactment, BPCA has been viewed as a highly successful program and has produced at least 132 completed studies, leading to approximately 120 pediatric label changes. According to the most recent General Accountability Office study on BPCA, issued March 22, 2007, prior to enactment of the Food and Drug Administration Modernization Act few drugs were studied for pediatric use. As a result, there was a lack of information on optimal dosage, possible side effects, and the effectiveness of drugs for pediatric use. Almost all the drugs—about 87 percent—that have been granted pediatric exclusivity under BPCA have had important labeling changes as a result of pediatric drug studies conducted under BPCA. Exclusivity is working.

Senator DODD tried to change the Best Pharmaceutical for Children Act by decreasing the exclusivity for some drugs. At a Health, Education, Labor, and Pension Committee hearing, witnesses expressed concern about Senator DODD's idea and speculated whether it would decrease the number of drugs studied for pediatric indications. I am pleased that the final bill does not include that misguided change to the pediatric program.

From the beginning of the HELP Committee's consideration of the drug safety issue I recognized the need to clarify existing authority or provide the FDA with a few new authorities in order to improve the interaction between the FDA and drug companies on safety issues. It was clear that labeling changes and clinical trials and studies were two key areas in which Congress should act.

To that end, I offered an amendment during the committee markup that provided the Secretary with additional authority and control over a drug or biological product's approved labeling, including the authority to require the holder of an approved application to make safety-related changes following an accelerated labeling review process. Under the new procedures added by my language, if either the Secretary or the holder of an approved application became aware of ''new safety information'' that the party believed should be included in the labeling, the other party should be notified promptly, and discussions should be initiated regarding whether a labeling change is needed and, if so, the content of any such labeling change.

That construct made sense to me and it made sense to Chairman KENNEDY who passed the amendment by unanimous consent. Given that current practice today is for a company to call the FDA when they become aware of new safety information, I thought it was a good idea to put current practice into statutory law. I want companies and the FDA to talk to each other about drug safety issues.

I support the safety labeling language in H.R. 3580, which reinforces the FDA's broad authority over prescription drug labels. These provisions allow the FDA to mandate changes to a drug's approved labeling whenever the FDA becomes aware of new safety information that it believes should be communicated in the labeling. Although the FDA already has broad authority over drug labeling and must approve all but the most minor labeling changes, this provision will enhance FDA's authority and help to ensure that labeling changes are made expeditiously using a process that facilitates dialogue between the drug company and the FDA. FDA has comprehensive authority over the regulation of drug products, particularly drug labeling, and this provision further accomplishes that goal.

As I said earlier, I have three main concerns with H.R. 3580. First, the bill is a complex web of regulation. It is going to take months, if not years, for drug companies and the FDA to understand all of the new regulations. I supported improving the FDA's authority in two areas: safety labeling changes, and clinical studies and trials. This bill goes far beyond those two areas and sets up a structure called REMS—Risk Evaluation and Mitigation Strategy. The REMS does not add any significant new authority. The FDA currently uses Risk Maps which do the same things as REMS. Now Risk Map regulations, which have never been studied for their effectiveness, are becoming law. It means more paperwork, deadlines, and checkpoints for drug companies, with

no guarantee that it will improve patient safety. I do not support regulation for the sake of regulation.

Second, H.R. 3580 expands the scope of the Government's current clinical trials website, www.clinicaltrials.gov, and adds clinical trial results. I understand the desire of some members to make clinical trials transparent and the desire of scientists to have as much access as possible to clinical trial data. But I am very concerned that average citizens will not understand all of the complex scientific information being presented to them and instead of talking to their physicians to understand the data about adverse events, primary and secondary outcomes, and baselines, they will instead avoid taking drugs that could make them feel better or save their lives. I hope that the National Institutes of Health and the Food and Drug Administration are very careful while implementing this title of H.R. 3580. If expanded improperly, clinicaltrials.gov will frighten people, not educate and assist them.

Third, this legislation changes the FDA process for granting waivers for participation on advisory committees. The FDA has 23 advisory committees that meet to discuss applications pending before the FDA and other issues. Currently, only four of those advisory committees have complete membership. Serving on an advisory committee is not a glamorous job, even though we rely on those committees to guide the FDA's approval and regulatory processes. Understandably, scientists that serve on the committees have more to gain from doing their research and making tenure, than working part-time for the Government. Given all of those issues, instead of creating incentives to work on the committees, this legislation makes it more burdensome and complex. People have expressed concern about biased committee members, but the facts demonstrate that the FDA is quite vigilant about screening individuals to serve on the committees. And the FDA has been working on new regulations to strengthen the screening process even more. I hope that we do not see a slowdown in the drug approval process due to an inability to fill the membership of advisory committees.

Senator BROWN and I also worked on language that would help bring new antibiotics and generic versions of old antibiotics to market. At the last minute, that language was stripped out of the House bill in order to pay for a half month of pediatric exclusivity. I hope that Representatives DINGELL and BARTON hold to their promise of moving that antibiotics legislation in the near future.

Overall, I am disappointed that necessary FDA reauthorizations became vehicles for legislation that need more work, are overly broad, and will weigh down the FDA at a time when we need to be helping, not hurting, the FDA.

Mr. COBURN. Mr. President, today the full Senate will probably agree to legislation—H.R. 3580, the Food and Drug Administration Amendments Act of 2007—that constitutes a massive overhaul and expansion of the Food and Drug Administration's authorities. Up until a couple days ago, determining the scope and details of the bill was an open and bipartisan process. Unfortunately, all of that changed at the eleventh hour and we were locked out of discussions to determine what a final product would look like. Now we are forced to either accept what we do not fully agree with or cause thousands of FDA employees to lose their jobs. This is not the way to ensure that we ''get it right'' with drug safety.

While this bill achieves the important and necessary objectives of reauthorizing the Pediatric Research Equity Act, the Best Pharmaceuticals for Children Act, the Pediatric Medical Device Safety and Improvement Act, the Prescription Drug User Fee Amendments, the Medical Device User Fee Amendments, and establishing a scientifically-based surveillance system for drug safety risks. There was still important work to be done to complete a bipartisan product. Because of unfair Democratic Majority tactics I and my colleagues have no opportunity to further amend and perfect this legislation.

Furthermore, I am frustrated that certain important provisions were removed from the final language of the bill at the last minute. We lost a provision to provide incentives for developing new antibiotics—a disastrous decision at a time when we are seeing a huge rise of antibiotic resistance in this country. Last minute negotiators also refused to recognize that patients desiring marijuana for medical purposes deserve to know critical information about whether or not marijuana can be safely used. Finally, the final bill did not contain an important Senate-passed resolution to protect American pharmaceutical companies' intellectual property rights around the globe.

This legislation is a very delicate balancing act. No drug is completely safe—otherwise a doctor's prescription wouldn't be needed—but we do have to ensure that lifesaving medicines are able to get to patients. New authorities in the area of Risk Evaluation and Mitigation Strategies, REMS, labeling, and postmarket commitments should not be taken lightly. These new authorities we are giving the FDA need to be used based on a measured assessment of risk vs. benefit in the intended patient population. For instance, labeling changes should only be undertaken when reliable data clearly shows safety problems that are not already reflected in the drug's label. If that data happens to come from a third party unknown to the application holder they should have the opportunity to review it along with the Agency so that appropriate labeling changes can be made based on sound science.

Another new authority granted to the FDA in a REMS is possible restrictions on distribution and use. If used, this restriction has the potential to impede patient access to important therapies and therefore should not be imposed where less burdensome approaches are available. This concept of a ''less burdensome approach'' is an important one and it is essential that product manufacturers have the opportunity to present alternative proposals to the Agency that would accomplish the goal of safety without imposing unduly restrictive actions to products and ultimately to patients. This legislation establishes that the FDA will not limit or restrict distribution or use unless a drug has been shown to actually cause an adverse event. We absolutely need FDA to have all the tools necessary to ensure the safety and efficacy of drugs, but doctors need tools as well, and one of those important tools is new drugs on the market. I appreciate the significant changes that were made in this language of the bill between Senate HELP Committee markup and full Senate consideration. These improvements remain in the final bill and are critical to ensure that physicians—not the FDA—can make risk/benefit decisions with their patients.

This bill ensures that the FDA has broad and exhaustive authorities to make sure that drug companies are doing the right and scientifically-justified thing when it comes to drug safety and the labeling of their drugs. This authority is placed rightly in the hands of highly-trained scientists at the FDA. It is clear that Congress relies on the scientists at the FDA to assess safety risks and drug labeling and this should be squarely and solely the FDA's role—that is why we have spent months and months trying to get this issue of drug safety right. The newly expanded role of the FDA does and should preempt State law when it comes to drug safety and labeling. In order to ensure scientific drug safety the last thing that we need is the regulatory nightmare of every State court being a mini-FDA.

Let me be clear, the FDA is the expert Federal agency charged by Congress with ensuring that drugs are safe and effective and that product labeling is truthful and not misleading. Appropriate preemption of State jurisdiction includes not only claims against manufacturers, but also against health care practitioners for claims related to dissemination of risk information to patients beyond what is included in the labeling.

Product liability lawsuits have directly threatened the FDA's ability to regulate manufacturer dissemination of risk information for prescription drugs. I note a recent case in California, Dowhal v. SmithKline Beecham, where trial lawyers tried to assert that a drug company had failed to warn consumers that nicotine-replacement products allegedly cause birth defects—even though there wasn't scientific evidence to back that up. In this case, the FDA had previously told

SmithKline Beecham that they should not include such an unscientific warning in its label because it would clutter up the label's warnings that actually were scientifically justified. A California court asserted that more warnings were always better. Subsequently, that assertion was overruled unanimously by the California Supreme Court as the FDA again asserted that its scientific judgment should prevail. The case was not properly before the court by operation of the doctrine of primary jurisdiction. Unless State law is preempted in this area, State law actions can conflict with the FDA's interpretations and frustrate the FDA's implementation of its statutory and scientific mandate.

Should the FDA's scientific judgment on drug safety and labeling be set aside, we would risk eroding and disrupting the truthful representation of benefits and risks that medical professionals need to make decisions about drug use. As a physician, I know that exaggeration of risk can discourage the important and right use of a clinically therapeutic drug. Superfluous liability concerns can create pressure on manufacturers to expand labeling warnings to include merely speculative risks and limit physician appreciation of potentially far more significant contraindications and side effects.

I note that the FDA has previously stated that ''labeling that includes theoretical hazards that are not well grounded in scientific evidence can cause meaningful risk information to 'lose its significance.' Overwarning, just like underwarning, can similarly have a negative effect on patient safety and public health.'' In this bill, we have created a clear labeling pathway between the FDA and a drug sponsor in this bill to ensure that consumers get scientifically accurate and appropriate warning of drug safety risks.

Furthermore, if not preempted in drug safety information and labeling, State law could conflict with achieving the full objectives of Federal law if it precludes a firm from including certain labeling information. If a manufacturer then complies with State law, the firm would be omitting a statement required under §201.100(c)(1) as a condition on the exemption from the requirement of adequate directions for use, and the omission would misbrand the drug under 21 U.S.C. 352(f)(1). The drug might also be misbranded on the ground that the omission is material within the meaning of 21 U.S.C. 321(n) and makes the labeling or advertising misleading under 21 U.S.C. 352(a) or (n).

While it is true that a manufacturer may, under FDA regulations, strengthen a labeling warning on its own, it is important to understand that in practice manufacturers typically consult with FDA before doing so. Otherwise they could risk enforcement action if the FDA ends up disagreeing.

Some misunderstand the FDA's labeling requirements to be a minimum safety standard and have used State law to force manufacturers to supplement safety regulation beyond that required by FDA. I want to be clear that the FDA's labeling requirements establish both a ''floor'' and a ''ceiling.'' Therefore, risk information beyond what is required by the FDA could be considered unsubstantiated or otherwise false or misleading. Given the comprehensiveness of FDA regulation of drug safety, effectiveness, and labeling additional requirements for the disclosure of risk information are not necessarily more protective of patients.

Finally, I want to specifically comment on language in H.R. 3580 that includes a new mechanism to further encourage the timely and accurate communication of new safety information on prescription drug labels. That mechanism reiterates the FDA's primacy in determining the content of prescription drug labeling, including through the new power to command a safety labeling change. New section 505(o)(4)(I) also makes clear that this enhanced safety labeling mechanism does not affect the obligation of a company to maintain a drug product's labeling in accordance with FDA's regulations, including 21 C.F.R. §314.70. This provision is meant to confirm the basic obligation of a drug's sponsor to propose—or, in some cases, make—changes to the approved labeling to reflect changes in the conditions established in the approved application and/or new information. Nothing in this rule of construction changes that obligation or FDA's ultimate authority over drug labeling; nor is it intended to change the legal landscape in this area. That is because there is an overriding Federal interest in ensuring that the FDA, as the public health body charged with making these complex and difficult scientific judgments, be the ultimate arbiter of how safety information is conveyed. In this manner, there can be confidence that uniform drug labeling conveys clear, consistent, and scientifically justified safety and medical information.

In fact, the courts have repeatedly upheld FDA's supremacy over prescription drug labeling in cases brought under State law. Nearly 20 years ago, the U.S. Court of Appeals for the Fifth Circuit emphasized that ''. . . manufacturers cannot change the language in the product insert without FDA approval,'' and accordingly ''[i]t would be patently inconsistent for a state then to hold the manufacturer liable for including that precise warning when the manufacturer would otherwise be liable for not including it.'' *Hurley v. Lederle Labs. Div. of Am. Cyanamid Co.*, 863 F.2d 1173, 1179 (5th Cir. 1989). As a more recent Court expressed this bedrock principle, allowing a State to decide what warnings are appropriate, and thus potentially subject companies to liability for otherwise FDA-approved labeling, would upset the careful benefit-risk balance that FDA has struck in approving a product for market, and doing so would ''undermine FDA's authority to protect the public health through enforcement of the prohibition against false and misleading labeling of drug products in the Federal Food, Drug and Cosmetic Act.'' *Sykes v. Glaxo-SmithKine*, 484 F. Supp. 2d. 289, 312 (E.D. Pa. 2007) (internal quotation omitted) .

CITIZENS' PETITIONS

Mr. HATCH. Mr. President, I wish to take this opportunity to clarify one issue related to the language on citizens' petitions and petitions for stay of agency action which is included in FDARA. As my colleagues are aware, I was a cosponsor of the citizens' petition amendment included in the Senate-passed bill, and I was pleased to work closely with my colleagues in the Senate—Senators KENNEDY, ENZI, BROWN, STABENOW, LOTT and THUNE to develop an acceptable compromise with the House. I understand the importance of making certain that generic drug approvals are not delayed unnecessarily, which is the intent of this amendment.

Mr. KENNEDY. Indeed, that was an important objective of the Food and Drug Administration Amendments Act, and I agree the citizens' petition language is an integral part of the final legislative effort.

Mr. HATCH. As my colleagues are aware, we had a number of discussions about this provision, and one issue we worked hard to balance was the need for the Food and Drug Administration to have adequate time to review any meritorious issues raised by a petitioner against the importance of not holding up the Abbreviated New Drug Applications—or ANDAs—or applications submitted under section 505(b)(2) of the Federal Food, Drug and Cosmetic Act. Our colleagues, Senators BROWN and STABENOW, were particularly forceful in their arguments that there should be a deadline for FDA action on a petition, but that the agency could have the ability to delay review of an application if it found that the petition raised a legitimate public health issue.

My concern, which I want to discuss with the chairman, goes to the discussions we had about the operation of that language. In particular, I want to discuss the ability of the agency to conserve its resources and not waste time acting on petitions that do not merit review. Indeed, the concept we discussed over the course of many days was that the agency would have the ability to deny a petition or a supplement if the petition were based on meritless or frivolous issues. We all recognized, however, that defining ''meritless'' and ''frivolous'' is imprecise at best. So, the final language contained in the bill we consider today says that the agency may deny a petition at any point if the Secretary determines that it was submitted ''with the primary purpose of delaying the approval of an application and the petition does not on its face raise valid scientific or regulatory issues . . .''

MR. KENNEDY. The Senator from Utah is correct.

Mr. HATCH. One concern that I raised, which we all agreed would have been included in the conference report language had we filed such a report was a clarification about the meaning of ''scientific or regulatory issues.'' It was our agreement during negotiations on FDARA about what is perhaps an obvious point: if the law requires a delay in approval of an ANDA or 505(b)(2) application, for example because of a patent or an exclusivity, this new provision will not change that required legal result. The law is the law, and its effect should not depend on whether or not it was brought up in a petition to FDA. I would appreciate the chairman clarifying if that was the agreement we had.

Mr. KENNEDY. I do agree. Let us be clear: The citizen petition provision is designed to address attempts to derail generic drug approvals. Those attempts, when successful, hurt consumers and the public health. The citizen petition provisions are not intended to alter laws not amended by the provision. I thank the Senator.

MEDICARE CLAIMS DATA

Mr. BAUCUS. Mr. President, today we have before us an important piece of legislation, the FDA Amendments Act of 2007. It has come to my attention that this bill includes a section that makes an effort to authorize the FDA to use and release Medicare claims data for use in postmarket surveillance of drugs approved by the FDA. I fully support the goal of making drugs safer for all Americans.

As chairman of the Finance Committee, however, I am obligated to point out that any use of Medicare data is exclusively governed by title XVIII of the Social Security Act, and that the Finance Committee has exclusive jurisdiction over title XVIII. I would ask the distinguished chairman of the Health, Education, Labor and Pensions Committee, Senator KENNEDY, to acknowledge that the Senate Finance Committee has sole jurisdiction over Medicare data and title XVIII of the Social Security Act and ask that he endeavor to consult us on matters before the HELP Committee that touch on the Senate Finance Committee's jurisdiction. I make the same commitment to him that he makes to me: I will commit to consult on matters before the Finance Committee that touch on the Senate HELP Committee's jurisdiction.

To avoid unnecessary confusion as to the jurisdiction of the Finance Committee or further delay in the consideration of this important conference agreement, I would agree to accommodate your request to withhold any objection to the Senate's consideration of it with the acknowledgement that the release and use of Medicare data are governed by title XVIII of the Social Security Act and are under the exclusive jurisdiction of the Finance Committee. This does not represent any waiver of jurisdiction on the part of the Finance Committee on this subject.

I would ask the chairman of the HELP Committee, Senator KENNEDY, whether he would agree to this request.

Mr. KENNEDY. It is a great pleasure to work with my distinguished colleagues from the Finance Committee on this reauthorization of important programs at the FDA. I know they have a deep interest in seeing that the medicines that Americans take are safe and effective.

Senator BAUCUS and Senator GRASSLEY have rightly raised a question regarding the interpretation of section 905 of this bill. Section 905 adds a new paragraph (3) to section 505(k) of the Federal Food, Drug and Cosmetic Act. This new paragraph establishes a system for FDA to query databases regarding information that may help detect adverse drug effects. It is essential to detect drug safety problems early, so that they may be corrected before people are hurt and an electronic drug safety system is one important tool for doing so.

The Medicare claims database is listed as one of several possible sources of data in section 505(k)(3)(C)(i)(III)(aa). I want to assure my friends from Montana and Iowa that our intent is that Medicare's participation will be determined by provisions of the Social Security Act, over which the Finance Committee has exclusive jurisdiction. Nothing in this section is intended to infringe on that jurisdiction or to in any way preempt the ability of the Finance committee to act to specify the participation or nonparticipation of the Medicare claims data base in the system established under section 905.

The matter before the Senate amends the Federal Food, Drug and Cosmetic Act. The section to which you have raised concerns authorizes use of Medicare data ''as available.'' I acknowledge that under current law, that is not possible.

Mr. BAUCUS. I thank the chairman. I intend to continue working with my good friend Senator GRASSLEY to address the release and use of Medicare data by Federal health agencies and private researchers soon through legislation written by the Finance Committee.

Mr. GRASSLEY. I agree with my colleague, Senator BAUCUS. I have been working a long time on legislation to permit the use of Medicare data to improve drug safety. After all this is some of the best and most complete data available. In fact, Senator BAUCUS and I joined together to introduce legislation to accomplish just that during the 109th Congress, S. 3987, the Medicare Data Access and Research Act, and this Congress, S. 1507, the Access to Medicare Data Act of 2007. Improving drug safety is a top priority of mine and the appropriate use of Medicare data will likely enhance drug safety. That will benefit all Americans. I look forward to completing our goals for Medicare data later this year and including this on legislation within the purview of the Finance Committee. We intend to clarify how Federal health agencies may use and release Medicare data and make the appropriate amendments in the Social Security Act. At that point, it will be important that the use of Medicare data be appropriately tied into the drug safety provisions of the FDA bill under consideration today. We would hope that our colleague, Senator KENNEDY, would agree to make conforming amendments to the Federal Food, Drug and Cosmetic Act as needed to make FDA law consistent with appropriate Medicare law.

Mr. KENNEDY. I appreciate that conforming amendments in the Federal Food, Drug and Cosmetic Act may be necessary as you point out. I agree to work with the Senator in the future on this issue.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

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

The bill (H.R. 3580) was ordered to a third reading, was read the third time, and passed.

Mr. KENNEDY. Mr. President, the New England Journal of Medicine, which is probably the most distinguished medical journal in not only this country, probably in the world, has made the comment that this legislation is the greatest progress, in terms of drug safety, in a century. This ought to be reassuring for every family as to the safety of their prescription drugs and also in terms of their food.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I congratulate my colleague from Massachusetts on another landmark piece of legislation that he has been able to shepherd through this institution. It adds to a remarkable string of legislative accomplishments.

We are all pleased this important reform effort and advance is going to be made. It is a terrific step forward. I congratulate Senator KENNEDY, Senator ENZI, and others on the committee who worked so hard to make it happen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

Mr. KERRY. Mr. President, I have been listening to my colleagues on the other side of the aisle, and sometimes I think we are talking past each other and about different legislation.

The proposal in the Levin-Reed-Kerry and other Senators legislation says nothing about precipitous. I don't know how one interprets ''precipitous'' when we leave the President the discretion to decide how many troops he is going to have there for training, for prosecuting the war on terror against

al-Qaida, and for the job of protecting American facilities and forces.

The fact is that for many people in the country, this is inadequate. It is not precipitous. To have a debate about buzz words that excite the base does not serve our troops well, and it certainly does not serve our national security interests very well.

We keep hearing these words ''surrender'' and ''choose to lose,'' and so forth. It is insulting to a lot of people who have spent a lifetime, some who served in the Armed Forces, being told this by people who have not, that they are somehow choosing to put a strategy in place purposefully that is to surrender on behalf of America or to lose on behalf of America. Come on. It happens that a lot of people in the Senate and the country believe there is a better way to defend American interests.

I will tell you, if you take a real measurement by facts of where we are with respect to American security interests—let me give them to you: Iran is stronger than Iran has ever been in recent years. Iran loves the fact that we are bogged down in Iraq. Iran is strengthened by the fact that we are bogged down in Iraq. Our own national intelligence agency has told us we are now experiencing more terrorism, not less, because of our policy in Iraq. That is our intelligence community telling us that, that there are more terrorists, not less. Osama bin Laden is free and doing what he does out of Pakistan, talking on the Internet to the world, attracting terrorists, and plotting to attack America. Hamas is stronger than it has ever been. They took over the Gaza and are creating havoc in the West Bank. Hezbollah is stronger than it has been. Al-Qaida is reconstituted.

Those are all facts. Do you know what they add up to? They add up to a weak foreign policy, to a weak defense policy and, in fact, those who claim and talk about surrender and about choosing to lose are losing today when measured against the real interests of our country. They are not making America safer. Interestingly, one of the most important things General Petraeus said in that hearing, in answer to a question from the Republican former chairman of the Armed Services Committee, somebody respected and revered by people on both sides of the aisle, Senator WARNER, are we safer?—General Petraeus couldn't say. He said: I don't know.

So I have had enough of this gobbledygook talk about ''precipitous'' and ''surrender'' and ''walking away from responsibility.'' The responsibility here is to get this policy right for America and for our troops.

Where is the accountability? We were told by the President of the United States last January, when he stood up and he talked to the Nation, one of those big televised ''We are going to talk to the Nation,'' he said to America: The Iraqis are going to do the following. Here is what they are going to do: A, B, C, and D. Then he said: And we are going to hold them accountable.

Then after the Iraq Study Group reported, everybody said: OK, we are going to wait and give General Petraeus an opportunity to report; we are going to wait for September, and we will see whether we are going to change the strategy.

What did General Petraeus talk about when he finally gets here at this long-awaited moment that everybody is waiting for to measure the strategy with respect to Iraq? He talked about tactics, about military tactics that do not amount to a strategy for how you resolve the fundamental problems of Iraq.

The Senator from Alabama, Mr. SESSIONS, a moment ago pointed out this complete contradiction where they are claiming: Well, the streets are safer and they have been safer for, what, 7 months, 8 months now because General Petraeus's own chart shows the vast preponderance of the violence went down before our troops even got on the line.

One of the reasons it went down is because there has been a massive amount of ethnic cleansing because the militias have done their dirty deed across the country, and Baghdad, which used to be 65 percent Sunni, is now 75 percent Shia. That tells you the story.

There is a total mythology here about al-Qaida, not mythology in the sense that they are dangerous and they are real. We all understand that. Al-Qaida is a threat. Al-Qaida is a serious challenge to all of us in both parties, to the country, to every citizen. But al-Qaida is not the principal problem in Iraq.

It was again interesting that General Petraeus, in answer to a question in the Armed Services Committee, was asked about Osama bin Laden and al-Qaida in Iraq, whether they were there at the beginning, and he said no. There is no connection between al-Qaida in Iraq and 9/11, none whatsoever, despite countless, countless references by the President, the Vice President, and a bunch of folks on the other side to try to link them together and confuse Americans, grab their emotions, get them in the gut, and somehow that is going to excuse a policy that cannot find another excuse.

It is a disgrace, and it doesn't serve our national security interests. I repeat, we are not safer in the grander sense of strategic interests of our country. When you measure what they have done with respect to Hamas, Hezbollah, Iran, al-Qaida, Osama bin Laden, they have a failed national security policy for this country—a failed national security policy for this country. The measurement is given to us by our own intelligence agency, which tells us al-Qaida is reconstituted and capable of attacking from anywhere.

It is obvious for everybody to see how we have lost leverage and lost credibility and lost influence in the world. That does not make our Nation safer, not in the least.

While we have waited for General Petraeus to report, a lot of young Americans have died. Meanwhile, today in the Senate, we were distracted by this much discussed, much condemned ad in a newspaper 2 weeks ago. Some saw a chance to score cheap political points on the floor of the Senate. Instead of joining with everybody to condemn all those kinds of ads and involvements in American politics that people do not like, the other side could not bring themselves to do that. But they have to have their singular targeted, one-entity specific, not even affiliated party entity, and go on and attack it. Frankly, it is as insulting as it is illuminating that in a week-long debate about Iraq, in which both sides have just five amendments to try to affect the policy, the Republicans took one of those amendments to try to, instead, play pure politics.

Mr. President, all of us opposed any kind of personal attack on the distinguished general, and we said so at the time. I think I was one of the first people to speak out and say so. But I am not going to join in some kind of hijacking of the Senate for political purposes to score points and create 30-second advertisements as a consequence of votes. It is a disgrace, and it does a disservice to what we are trying to do.

We have had a lot of colleagues who have referenced the fact that the escalation of sending more troops into Iraq was to give Iraqi politicians the chance to be able to make up their own minds about their political future. And we have heard a lot of people talk again and again and again about how there is no military solution. I know what happens in the sort of ''speech-ifying'' that goes on here, and the repetition, I guess, of some of these facts. They kind of get glossy. They just sort of slide by people and people don't really focus on the real meaning or the impact of what is being said as a result. But the fact is, the President very clearly told America the rationale for sending more troops was not to go out and secure a whole bunch of communities for the sake of having a general come here and say we know how to secure a community.

A lot of us, in discussing the so-called surge, said at the time that this is not going to be the thing that changes the fundamental dynamics that are now ruling Iraq absent an increase in significant political diplomacy and political strategic thinking. And in that, we have been proven 100 percent correct. The Iraqis have not made fundamental decisions.

Let me ask you, Mr. President, what is the relationship between more security and making a decision about how you distribute oil revenues? Are you telling me they can't get into a room and figure out the Kurds have this much, the south has this much, the Sunni triangle doesn't have any? The Sunni are 20 percent of the population, so we have to have some revenue going to them from a national basis. Do you

need security to make that decision? There is a complete disconnect in what is being talked about here.

Do you need security to decide whether you are going to allow people who were formerly members of the Baath Party, but who were there because they were coerced or because it was the only way to stay alive but who never took part in the excesses of Saddam Hussein, do you need security to make the decision—and I am not saying you can get them all to go into the mainstream of the life of Iraq—but to make the decision as to whether you are going to let them go in? You need security to do that? No. You need a political will.

I will tell you why they are not making the decision. It is not because of the absence of security. It is because of the fundamental reality of their constituencies. The Shia have spent 1,300 years being basically subjugated by Sunni, and they have now been given at the ballot box what they could never achieve in any other way. They have been given the right to run the country. And guess what. After what happened in 1990, when President Bush, 41, excited the notion they could take on Saddam Hussein and encouraged them to revolt, and they did, and then we pulled the rug out from under them, tens of thousands of them were brutally murdered, and they remember that. That is the freshest massacre in their memory. That memory says to them, we are not going to let go of this power very easily, especially when we now have an opportunity to have a Shia Islamic state, which is what they want. That is what the constituency wants.

The Sunni constituency, which has been running the place for most of those years—not every single one of them but most of them—has now been emboldened in the notion that they have to reject this notion of a Shia Islamic state, and Iran and Iran's influence, and they have the sense that they can return to power. In that struggle is written the history of the IEDs and most of the ethnic cleansing and most of the violence we have seen. Now, not all of it. Yes, al-Qaida has been involved in brutal incidents; and, yes, al-Qaida is trying to stir things up; and, yes, al-Qaida was involved in the Samarra mosque and other things. We all understand that. But my colleagues are dead wrong when they come to the floor of the Senate and they tell us, or tell America, that al-Qaida is the principal problem that keeps us doing what we are doing in Iraq. It is not true.

Al-Qaida will not survive in Iraq, in any kind of Iraq, if we are not there. The Sunni have made a decision. And, incidentally, the Sunni didn't make a decision that was based on security. The Sunni made a political decision to work with the United States, and then the security came as a consequence of the political decision. The political decision came first, and the Sunni made up their minds, and now they are, indeed, being armed, being trained, and fighting back against al-Qaida because they got tired of al-Qaida's cruelty.

The Shia will never get along with al-Qaida because al-Qaida and al-Qaida's beliefs and its attempts to establish a caliphate in the region and out of Iraq does not include Shiism. You are better off as a Christian or a Jew in the eyes of al-Qaida than Shia are in the context of Muslim and the faith of Islam. So the Shia, and particularly Iran—and I heard my colleague from Alabama turn to Iran as the reason to somehow talk about what is happening with Iraq and al-Qaida. Iran is not going to tolerate al-Qaida, not for an instance.

The Kurds are not going to tolerate al-Qaida. Al-Qaida is not in Kurdistan, and al-Qaida doesn't do so well down there where the Shia are, and it is not doing so well right now where the Sunni are. The jihadists, as opposed to the former generals of Saddam Hussein—al-Qaida in Iraq is made up of a number of different entities, and the worst, obviously, are the jihadists. Those are the foreign fighters who come in across the Syrian border or across the Iranian border, but they are the first who are going to find a massive unwelcome in Iraq because they are foreign and because there is no way that either Sunni or Shia or Kurd is going to allow the jihadists to get a foothold of any kind of consequence.

The Baathists are using al-Qaida in a way because it serves their interests to foment some of the problems because they are targeting us as well as the Shia, and they want to create this disruption. The only way to resolve that is through this political issue, and that raises the question of, how you do solve it? There are some very smart people who know more about Iraq and its history than I do who suggest it may not be possible, for the time being, because of what has been unleashed—the opening of Pandora's box, or the genie out of the bottle, or whatever you want to say. It has changed the possibilities now so that you may not be able, for the time being, to achieve any kind of legitimate central government or pluralistic society. You may have to have this federalism that has been talked about for some period of time because they may have to live apart before they can live together again in order to prove you can get over these hurdles and create some governments.

Even today, we had a meeting with the French Foreign Minister here, and he mentioned how there is a growing sense among some Iraqis that this may be the way in which you have to try to build a resolution. Those are the kinds of things we should be talking about in the Senate. These are the kinds of things we ought to be pursuing in diplomacy. And where is the diplomacy? Where is the significant standing summit? I think 3 years ago, when I was running for President, I talked about the need to have a standing summit and a standing conference. Senator LUGAR has talked about it repeatedly, to the point of exhaustion, that you have to have people who are talking to each other every day. You have to have envoys of consequence.

Why couldn't we have former President Bush and President Clinton serve as special envoys to convene and meet with these folks and work through these differences on a daily basis, with the notion that you are going to try to create a resolution, or find the resolution, like we did in Bosnia and Kosovo, as we have in so many other conflicts in the world?

As a young person, when I came into politics, I remember one of the things I admired on both sides of the aisle was those titans of American diplomatic history. During the period that I grew up, there were people with names such as Acheson and Ball and Bundy and a host of others, and some did better than others. Kissinger and then Jim Baker, who I remember made 15 trips to Damascus just to get President Asaad to agree finally to Desert Storm. And he went the last time, on the 15th trip, without even knowing what the outcome would be, but he knew that he had to repeatedly be there and be in their face and cajoling and working and moving the process.

There has been such a total absence of that kind of effort over the course of these last years, it just frustrates me to think about young men and women on the front lines suffering these grievous injuries and believing in our country and in the idea of trying to help Iraq and not having the kind of support and policy that does justice to the risks they are taking. It is stunning, Mr. President.

I believe, as Tom Friedman said the other day, negotiating in the Middle East—without leverage is playing baseball without a bat. And that is basically what we have been doing because we will not get up from the table. There has never been a baseball owner in history who went into negotiation with another player and said: I can't get up from the table. That is a negotiation that is not going to end well. That is the negotiation we are basically in today.

The President of the United States has said to the Iraqi Government, we are going to have 130,000 troops there next summer. It is already there. What did they have to do? What do you have to do if you are an Iraqi sitting there playing your game, knowing you are going to be there, not us, forever, if you stay alive; knowing that you are able to use the 130,000-troop promise of next year and you can just float along and avoid any kind of responsibility or decisionmaking and play your own political power game for the future? If you are already aligned with Iran, as many of those politicians are who are Shia, in the majority, they have no motivation whatsoever to compromise.

You have to change the dynamics. You have to change the play on the ground. You have to get them worried

and get them thinking about legitimate implications of what happens if we do something. Right now, when the United States starts talking militarily about Iran, they are not particularly scared because they know the situation with our troops. They read the newspapers. They hear the debate in the Senate. They know how overstretched we are. I mean this is not complicated. We don't have the leverage that we ought to have to get them to do what they ought to be doing—if they are willing to do it at all—and put it to the test to find out if they are willing to do it at all because we are going to have 130,000 troops there no matter what they do next summer. We have already told them that. The same number of troops we had last year when America said staying the course was not good enough; we want a better strategy, our strategy is to go back to where we were when the country almost disintegrated a year ago with 130,000 troops.

The other thing we know is that we are not going to put enough troops in there to secure every single community. So when you push in Baghdad or you push in Anbar, and then somebody goes over to Baqouba, or somebody goes over to Diyala Province or one of the other provinces, they have infinitely more capacity to move around.

I learned that lesson a long time ago, back in the war of the 1960s, in Vietnam. We learned what it was like to go into these villages where you don't share the culture, the language, you don't look like the people, the religion—any of it. You are carrying guns, and they think you are occupying their land. It is tough. It is tough on our folks.

What are they doing? They are going out and finding IEDs the hard way. I hear folks talking about these battles and the enemy. The enemy? The enemy are IEDs. Obviously the people who plant them, but they don't see them very much. Most of the wounded are from IEDs. Most of the killed are from IEDs. This is not a set piece battle such as we have seen in a lot of other wars we have fought. It is not even the same kind of insurgency battle we have seen in a lot of other wars we have fought. It is very different.

I don't think we have been as smart or as thoughtful and creative in the kinds of strategies we need to change it—particularly when you hear the Iraq Study Group and our own national intelligence entities all come together saying the American footprint is part of the problem. The large presence of American forces is attracting jihadists, attracting terrorists, creating the impression of occupation. That is what General Casey said and General Abizaid. That is what the Iraq Study Group has said. Everybody has said that.

What have we done about it? We have increased the presence. We have increased the footprint. We have lent even more credibility to the concept, as General Jones said, that we are there for the long run because we have this massive footprint with great big bases and unbelievable amounts of equipment. A whole bunch of people think we are not just there to help Iraq, we are there for the long run, we are there because we want to be there for much larger purposes.

I think we have to do this differently. The open-ended, seemingly endless commitment has clearly done nothing to directly confront the problem. What we need to do, the responsibility that each of our colleagues has, is to look at these kinds of dynamics and examine them. If the Shia really believe what they believe and the Sunni really believe what they believe—and you can talk to them and read history and make judgments about it—then the troops are not going to change what is necessary for them to try to make some decisions.

GEN Tony Zinni—for whom I have great respect, who is former CENTCOM commander, he travels frequently over there and meets with an awful lot of people—some time ago talked to me about an idea that has appealed to me very much over the last years, which is the need to negotiate a new security arrangement for the region itself; if we were to become involved in trying to engage these other countries in that arrangement, which can be leveraged by the notion that we are going to pull back, that we are going to shift responsibility to the neighbors to begin to bear some of the strategic long-term requirements—with respect to Iran, for instance; with respect to the protection of the Gulf States—Saudi interests, Jordanian interests, et cetera—remembering always that those countries are Sunni. An awful lot of the money that is reaching the 20-percent Sunni population who are resisting today is coming from those places. So our friends and our allies are even part of the problem right now because we are going it alone.

Our strategy, in my judgment, is that while Americans fight and die to give Iraqis breathing room, Iraqi politicians refuse to resolve the political issues that matter the most. There is no progress on the lynchpin issue of sharing oil revenues, no progress on the debaathification law—despite the fact they tell us, on the oil law, they are sharing some revenue. That doesn't satisfy Sunnis, if there is no law. Gee, you mean we are getting a few revenues today at the grace of the folks who want to give us the spoils or something? What happens when things start to get rough? Is it still going to be there? Is there a law? Is there a requirement? Does anybody have to live up to anything? Will it be enforced? Who will enforce it?

All of those issues are outstanding until they resolve that kind of difference, so it doesn't satisfy me, and certainly doesn't satisfy them, for someone to come and say they are sharing some of the revenue or they are putting some money into these other areas. By any measure, until you deal with the provincial elections, the constitutional issue, the federalism, the oil, and debaathification, you cannot begin, if you can at all, in the current atmosphere, to reconcile these differences.

General Petraeus can come back next March and he can say, oh, we are making progress, but if there is no political progress, then what are our colleagues going to say and do next March? Ask for another 6 months? Say we have secured this area a little more and that area a little more, give us another little 6 months?

I think as long as you give the Iraqi politicians as long as they want, they will take as long as they want. As long as we say we are there for as long as it takes, they will take as long as they want. That is exactly what they are doing today.

That is our policy. The policy of General Petraeus is basically a policy for staying, it is not a policy for winning, absent the political reconciliation. No one has shown how you get that political reconciliation. If it was doable, why couldn't it have been done in the last 7 months? Why couldn't it have been done in the last 4 years, when there was less violence 3 years ago, and 4 years ago, than there is today? Why couldn't it have been done? Because the political will is not there to do it.

We have changed tactics, not strategy. Yes, we have some gains. I am not going to stand here and say there are not some tactical gains or that our military hasn't done a good job. They have done a tremendous job under the toughest of circumstances and they have made some gains in those communities. But it is not producing what you need to change the overall dynamic in Iraq, if it is changeable in the current context.

What I regret is all this talk will see us back here in March. They will not bring peace or long-term stability to Iraq absent diplomacy. If we come back here in March and we have resolved the political differences, it will be because they decided to resolve the political differences—which they could do at any other time or could have done anywhere in the last few days.

So rather than ''no surrender,'' I think the policy we have today is ''no real way out.'' There is no real way to resolve the differences. It is a wing and a prayer. It is a hope. Even Ambassador Crocker, for whom I have great respect; I presided over his hearing for his nomination to be there; I admire his career—he is a Middle East specialist, an Arabist, he has been there, speaks the language, understands it. But in the conversations I have had with him privately as well as what he said publicly, it is clear to me he cannot say, with any certainty at all, what is around the corner, and he specifically said none of us can predict what is going to happen in the current context. That is what we put ourselves

into, absent the kind of diplomacy necessary to try to change those dynamics.

I think what we are seeing are the moves of the President, who has decided to wait out his time in office and shift responsibility for this disaster to the next President. He has as much as said that, that we are going to have troops there for a long time, and the next President is going to have to resolve these differences.

I believe we have a bigger responsibility than that in the Senate. I believe that very deeply. When I was a young serviceman and in a war, I remember looking to Washington and wanting those folks who were in positions of responsibility to make the judgments that affected my life on a day-to-day basis.

I remember being bitterly disappointed in the debates that went on as people kept finding these same kinds of excuses, the same arguments were made. I remember President Nixon actually stood up and said: I am not going to be the first President to lose a war.

Our military has not lost this. Our military has won everything they engaged in on a personal basis. Nobody doubts the power or strength of the American military. No one would doubt the power or strength of the American military if they announced that, because the Iraqis are not making their decisions, we are not going to stay here and keep dying for you, folks. I don't think that is losing. I think that is actually a note of reality. It is the Iraqis who are losing. It is the Iraqi politicians, led by Mr. Maliki, if they are led at all, who are unwilling to make the decisions. They are the ones losing this opportunity for democracy. They are the ones losing the opportunity for peace. They are the ones turning their backs on the opportunity for reconciliation—not us. It is not for us to reconcile. No brave troop in Iraq has the ability to create that reconciliation. You are not going to create that reconciliation at the end of a gun barrel. It doesn't happen. It never has.

I think it was the Roman historian Tacitus who, with respect to Carthage, said: ''They made a desert and called it peace.''

That is what you can do with guns and with military might. But those who have always thought the power of ideas and the pen is more powerful than the sword right now believe we have a better ability here to be able to find a way through this.

I think we ought to be refocusing on what we are doing. It is not precipitous. It is not a withdrawal sufficient to please a certain number of people. It is the beginning of the change of the footprint. It is a clear statement that we are drawing down and you have to assume a certain responsibility.

There is a complete contradiction, incidentally, in the arguments made by the other side. I remember visiting General Petraeus when he was training people. Two years ago, he said we will have 125,000, 200,000-something next year. How long does it take to train people? We have been training people for 4½ years. We certainly have been training them for at least 2 years in a highly focused manner—2½ or 3 years. How long does it take to take our recruits down to Parris Island or out to the Great Lakes, from total civilian status to graduation? Three or four months. Then they go to a specialty school and then, within a few months, they are ready to go and serve on the frontlines. They always do it with great distinction.

These folks have been training and training and training. The problem is, it is not a lack of training, it is a lack of motivation. It is a lack of commitment and will. It manifests itself in the following way. If you are a Shia, can you safely go into a Sunni neighborhood and police? Can a Shia go tell a Sunni what to do? Will the Sunni listen and feel safe? Ask anybody in the country about that equation. That is part of the problem, a lack of historical understanding, a lack of cultural understanding, a remarkable kind of arrogance that came out of corners in the Pentagon, led by Secretary Rumsfeld and Richard Perle and Doug Feith and these other folks, all of whom talked about parades and flowers and the easy welcome of our troops and welcomed as liberators and every decision was wrong, not to mention the arrogance of turning their backs on the plans that the State Department and Secretary Powell drew up for how you deal with postwar Iraq.

We are paying for that now. I think those who argue somehow these buzzwords of retreat and surrender—it is almost pathetic, to be honest with you. Because it is so divorced from the reality of what is being talked about, about how you strengthen America and strengthen our position and support the troops. The troops deserve a policy that is equal to the sacrifice they are being asked to make.

Let me go through a couple of principal arguments and then I will yield the floor. First of all, those who want more of the same failed policy, this surrender talk, it seems to me—I think I mostly covered that. I think I pretty much discussed the idea, but I want to emphasize something. Leaving the President the discretion to fight al-Qaida, to finish the training and standing up of Iraqis, to protect American facilities and forces and to do so over the course of a year—to set a target date for the achievement of that goal a year from now is anything but precipitous.

They cannot achieve these fundamental benchmarks of what they needed to do to show they are reconciling in that year; they are not going to do it while we are there.

Secondly, it seems to me you have to remember what General Jones himself said. I want to quote from his report. He said:

> If our security gains are to be anything more than short-lived, the single most important event that could immediately and favorably affect Iraq's direction and security is political reconciliation.

So General Jones is saying: If you want to have an impact on security, you have to have political reconciliation. He is not saying that the security is going to be given to you by the military; he is saying it is the political reconciliation—nothing will have more significance with the security.

> Sustained progress within the Iraq security forces depends on such a political agreement.

That is precisely what we are trying to achieve.

Supporters of the escalation asked for more time to translate military success into political progress. But if General Petraeus is correct, that sectarian violence began decreasing in January. I do not have that chart here, but I absolutely know this because we asked him direct questions about that. And he spoke to the fact. He acknowledged that the better part of the violence reduction did, in fact, take place prior to the American forces becoming part of it. It is partly because of the dislocation that had taken place as a consequence of the militia and also the political decisions that were made individually in Anbar and elsewhere which preceded the vast majority of those forces arriving.

Now, Prime Minister Maliki has been in office since May of 2006. But the fact is, the Iraqi Government, as we have discussed, has simply been absent from any kind of adequate responsibility to meet what they themselves said they would do.

Now, why a deadline? I guess it is kind of like anybody doing their homework—we operate under deadlines here. Does anybody here believe we get the budget done without a deadline that we usually have? We usually have drop-dead times. In fact, we even move the clocks. We have a continuing resolution that is short-lived, and then we come back and we live under a certain sense of, you know, a responsibility factor there and all kinds of deadlines.

The fact is, deadlines have worked in Iraq already. There was a deadline to have the transfer from the Provisional Authority from Paul Bremer. In fact, Iraqis and a lot of other people said: Do not do this to us; we are not ready. But the Government, our Government, to its credit, we insisted and said: No, this is what is going to happen. And it happened. Now, the decisions they made afterward were awful. But the transfer took place; likewise, the elections; likewise, the Constitution. Each of them was accomplished with a deadline.

In fact, the President himself has already set a deadline, in some ways, because he is saying: We are going to have X number of forces out by such and such a time—30,000. That is a deadline. He has told us when—by next spring. General Petraeus has set a

deadline that he is going to come back by next March and he is going to say something to us. So this idea that deadlines don't work or it is a losing equation, I just do not agree with that. I think, like any human reaction, when a big country like the United States of America gets serious in putting some deadlines there, people can begin to respond and you change the dynamics that people are dealing with.

What is more, some people may not like to hear this, but clearly and obviously an administration would have the ability to come back in 4 months and say: Look at all of the progress we have just made because we set the deadline, and we are making so much progress, but we can't get over the hump by the end of this period. Will you not give us a little longer? There is no one here, if that is a true measure of what is happening, who is not going to respond responsibly.

So, again, this is a phony debate about the impact of a deadline, what it means.

We can get together in a room, sensible people, and come up with a way to do this. But it has been made into a challenge to the President's authority, it has been made into a big political football where Republicans feel they have to go out and defend the President, and somehow everyone else thinks everybody else is after him, when what we are really after is a sensible policy in Iraq in the face of 4½ years of having not been given it time after time, even under the withering criticisms of some Senators from the other side, such as Senator HAGEL, Senator MCCAIN, and others, who have called the shots as they saw them over a number of years.

Third. Supporters of the escalation point to the consequences of failure in Iraq. Well, I can remember how people used the sort of cataclysmic, dire end result as a legitimization of carrying on something that was going into oblivion. It was called Vietnam. We had the Domino Theory, we had the Bloodbath, we had all kinds of arguments thrown out there about what it would be like if the United States ultimately withdrew.

Ultimately, we withdrew. Ultimately, Henry Kissinger and Richard Nixon negotiated a withdrawal, and they negotiated a withdrawal with something that was then called the ''decent interval''; 1973 we left, and in 1975 the place fell because the Government itself was so corrupt and so inept and so incapable they were not able to withstand what came at them. They did not have legitimacy, but they were given the opportunity to have it. What ultimately happened is precisely what could have been avoided 4 or 5 years later. Half the names that are on that Vietnam wall down the street were put on that wall from a time period after which our top leaders in the Defense Department and elsewhere knew the policy wasn't going to work, and they have since even written exactly that. That is craven, that so many lives were lost, 25,000 or so, more than half, in that period of time to pursue a policy that people knew was ultimately what could have been achieved even earlier.

So when people talk about the dire consequences, we all understand Iran is a threat. Well, let's go back to what I said earlier: Iran is more of a threat today because we are less capable of confronting them and because we have not engaged in that kind of robust diplomacy that the French, the Germans, and the British engaged in for almost 3 successive years without us at all, because we had a policy of not talking to anybody; just do as I say. The result is, you know, they throw out these consequences, so we wind up staying there because we have been there.

I have heard people say: Well, you know, we obviously need to honor the lives of those we have lost. Yes, we do. I believe that is what we are trying to do. I think you honor the lives of those who have been lost there and those who have given their lives by making certain that we are not wasteful going forward, that we are reasonable, that we are not stupid going forward, that we do what is correct. But you do not lose lives to honor the lives you have lost. That does not honor them. And losing more lives and the fact that we have lost lives is not an excuse for continuing the same policy.

Now they argue it is not the same policy; we have a new general, we have a new strategy. But it is not a strategy; it is a tactic that has no relationship to the real strategy that has to be political and diplomatic and much more creative and much more global in this case.

So we have lost sight of what is at stake here. I believe we are paralyzed in a sense because of it. You cannot leave because of this. Oh, gosh, Iran is going to do this. In fact, the Senator from Alabama talked a little while ago about how Iran will become involved in Iraq. Iran is involved in Iraq. Iran has thousands of agents in Iraq. It has people training people in Iraq. The Shiia in the south are aligned, particularly in the Basra area. But the British, nevertheless, have redeployed to the airport, and they have left those factions to kind of duke it out against each other without any serious enough consequence that we are rushing in to fill the breach. If it is okay for them, why is it not for us? If it is not okay for them, why did we let them do it, and why are we not responding?

These contradictions just sort of leap out at you. And the fact is that Iran and al-Qaida are thrilled that we are bogged down in Iraq. Every day that we are bogged down in Iraq, we are presenting al-Qaida with targets. We are presenting al-Qaida with the image of American forces occupying a country, and they can run around and enlist more jihadists. They have been doing it. You can just talk to anybody in the intelligence community about it.

This is a policy which makes America weaker. This is a policy which puts America at greatest risk. This is not a policy which advances America's larger strategic interests in the region or elsewhere in the world. That is a bad foreign policy when that is what is happening. A policy that makes you weaker, not stronger, is not a policy I would want to take out to the country. That is exactly what they are presenting us with. Americans are dying at greater levels now than in 2003, 2004, 2005, and 2006, for a policy they have already told us is going to end next summer. And the Iraqi politicians know it is going to end next summer. That is a deadline. So, evidently, it is okay for them to plot and plan for the end of the surge, but they are not going to be changed in their planning for the end of American involvement. I do not get that. That is a complete contradiction.

Fourth. The President's allies warn that Iraq could become a failed state. Well, guess what. According to Foreign Policy Magazine, Iraq is becoming a failed state under the current strategy. In fact, it ranks second in the entire world on the Failed State Index behind only the Sudan as the state most at risk for failure. That will only change when the Iraqi Government steps up, not our troops. Our troops cannot run the Government, and most of the Iraqis have said they do not want us there. Incidentally, the new polls coming out of Iraq show that 50-plus—58 percent of the Sunnis think it is okay to go kill and hurt Americans. Seventy percent of the Iraqis think America should be gone.

Our friends warn of a humanitarian catastrophe. But as the New York Times reported earlier this month, many mixed neighborhoods in Baghdad and surrounding provinces in Iraq have already been ethnically cleansed. Two million people are internally displaced, 2 million people have left the country as refugees. Baghdad, as I said earlier, which had a population when we went there of 65 percent Sunni, now is a 75-percent Shiia majority city.

What we are supposedly staying in Iraq trying to prevent is happening right under our very noses, and General Petraeus and Ambassador Crocker told us that in their testimony. Ambassador Crocker specifically referenced the movement of personnel and the ethnic cleansing and did not say that our troops or the surge is capable of stopping it. So we are witnessing right now a very high level of sectarian violence. Over 1,000 civilians are dying a month.

Across Iraq, the level of violence is higher than it was in 2004 and 2005. The Washington Post reported on Monday that about 2 million Iraqis are displaced in Iraq and 2.2 million to the neighboring countries. Apparently, 60,000 Iraqis are evacuating their homes every month. And what I have been told in the visits when I have been there, people have described to me the exodus of the middle class. You do not have the middle class there now to try to help do some of the reconciliation and building that is necessary.

I have also heard many people point to the legacy of Vietnam. But I hear the wrong conclusions being drawn about that legacy—somehow a presumption that given the great power conflict that we were caught in, people seem to forget that one of the reasons we did not invade the north was not that we did not have the military ability or other things; it was because China and Russia and the Cold War was raging at the time, and those countries were aligned with Vietnam, North Vietnam then, and many people saw a bigger, wider, more complicated, and dangerous conflict as a consequence. So it was not our withdrawal from Vietnam. People need to remember this.

You know, we did a period of Vietnamization, we did a period of transition, we negotiated the process, we left in 1973. It was not our withdrawal that caused the instability in the region; it was the underlying cause of the violence that had gone on for 10 years preceding it. It was the American bombing in Cambodia that many people remember that created the instability of that country and China which created problems with the Khmer Rouge and the ethnic Chinese that created many of the original boat people, the original exodus. It was a civil war, a civil war that our military could not end. Many of the conditions that came about were the result of being there and what happened in that dislocation.

Our troops cannot end the Iraqi civil war. Only, again, a political accommodation can achieve it, and that can only come through adequate diplomacy and effort. We ought to be working over time on that.

The final thing I will point out is, supporters of the Bush escalation say we cannot abandon the central fight in the global war on terror. I have pointed out again and again, as we all do, it is OK to have a good debate about issues. But somehow the world's greatest deliberative body ought to find a way to accept what is fact and accept what is fiction and kind of put the fiction aside and deal with the facts, instead of coming back speech after speech repeating the same fiction, which is what happens. The fact is, we have never suggested pulling any punch or reducing the effort to go after al-Qaida. We give the President complete and total discretion in this legislation to do what the President needs to do in order to prosecute the war on terror against al-Qaida. So to keep reasserting al-Qaida in a way that suggests that Democrats somehow are forgetting about that is not accurate.

In fact, we have been the ones who consistently point out that al-Qaida is reconstituted globally, that al-Qaida's principal leaders are in Pakistan and Afghanistan, that it is from Pakistan and Afghanistan they have plotted and conducted the attacks they have conducted in recent months and plotted the attack against our airlines most recently, and that they communicate to the world network, not Iraq.

The reality is, we all intend to defeat al-Qaida. Al-Qaida will be defeated. I am absolutely confident of that. I don't think a nihilistic, cynical, completely ideologically, and morally barren effort such as al-Qaida's has a chance in the long haul. What it can do is confuse people and attract converts in the absence of a legitimate counter moral force, and that moral force can come from moderate Islam, and needs to, and it can come from the rest of the world.

I have heard this all through every visit I have made in every part of the region. I serve now as chairman of the Near East-South Asia Subcommittee. I make a point of trying to understand what is going on. The fact is, Abu Ghraib and Guantanamo and the current torture practices that we know are being engaged in, and the world knows, and the new 4,500 Web sites of various jihadist groups exploit those things. That is the war on ideas the President appropriately talked about, that supposedly Karen Hughes was appointed to lead a great effort on. Nobody has seen her or knows what is happening with respect to that most significant effort.

I don't think this escalation or this current policy is protecting our homeland. I believe where there was previously no threat from al-Qaida in a place called Iraq, there is now a threat, though not the level of threat or the kind of threat that is often described. The real threat remains centered in Afghanistan and Pakistan and many other places, including Europe. It is growing in Europe. Unless we deal with these larger implications, that challenge is going to become more significant as a consequence of this policy.

This is an opportunity for us to try to do what I know is very difficult, because I understand the pressures that are put on colleagues, many of whom have come to the floor and spoken eloquently in opposition to the war and in opposition to the strategy. But they somehow won't translate those words into a vote. They won't go that extra step of actually confronting the President and changing the policy. What General Petraeus has obviously succeeded in doing—and we understand it—is giving people a reason to say: Give us 6 more months. He is obviously going to get that 6 more months, because the President has the power to veto and the power to move his policy in these next days. But I hope my colleagues will think about how history is going to measure what we do here and how their own responsibilities measure up to what this moment is about. I think the facts speak loudly and clearly for the imperative to have a policy that moves in a better direction to protect our Nation. That is the bottom line. That is what is at stake, our national security and our ability to protect future generations and stand up and lead the world in a more effective way in order to eliminate al-Qaida and, in fact, open up a whole set of new possibilities with Islam and a host of countries that are currently sitting on the sidelines and standing apart from us because they disagree with our policy and the way we are implementing it.

I hope our colleagues will take advantage of this opportunity, and I hope we will cease to have a debate on buzz words and slogans but instead a debate on facts and do justice to the troops who, as I said, deserve a policy that is equal to what they are doing on our behalf every single day. We salute them.

Mr. KERRY. Mr. President, today we saw the floor of the Senate hijacked for purely partisan political purposes at a time when we need the U.S. Senate to instead come together for the purpose of protecting our national security and changing a policy in Iraq that is not working.

What happened in the Senate today is partisan, political and demeaning of this institution. The Republican minority is desperate to distract the Senate and our country from the real issue at hand, which is a failed escalation and an administration policy in Iraq that is every day costing American blood and treasure. The same Senators who have gone along with the President's Iraq policy every step of the way, who have expressed not a shred of outrage about nonexistent weapons of mass destruction, predictions of a ''cakewalk,'' ''mission accomplished,'' or ''an insurgency, its last throes'' will now say and do anything to avoid talking about what is really happening in Iraq. They would rather express outrage about a newspaper ad run by an independent entity, than express outrage about a policy pursued by their party and their administration. And certainly they don't want to address the outrage of more Americans dying for a policy we know is not working.

The Senate did not need to spend hours today on this debate. Nine days ago, the first time I was asked about the ad which the Senator from Texas loves to talk about, I said it was ''over the top'' and ''inappropriate, period.'' I said that, as a veteran, I thought it was wrong to characterize any member of the military in the way General Petraeus was characterized in that advertisement. I have nothing but respect for General Petraeus. I wasn't alone in that feeling. Senator REID spoke out. Senator BIDEN spoke out. There was no question about where Democrats stood. And we ratified that opinion in a broad condemnation of that behavior—including the Petraeus ad—in the Boxer amendment.

But I also asked that we all recognize that the emotion behind that ad is an emotion shared by the American people: frustration—frustration as we head into the 5th year of being told one thing about Iraq and finding out another. That is why we should be having a real debate and a real discussion about the policy in Iraq rather than trying to score partisan points over the politics of Iraq. It is as insulting as it is illuminating that in a week-long debate in which each side can offer just

five amendments, the Republicans would waste one of their chances to change a broken policy by choosing instead to embrace a political stunt.

We are where we are. I vehemently oppose the kind of political abuse of the Senate embodied in the Cornyn amendment, and I am saddened if not surprised to see that so many of the Republicans who believe that what happened to General Petraeus was wrong, could not bring themselves to vote for the Boxer amendment which made clear that the assault on Senator Cleland's patriotism in 2002 was wrong, and that the lies broadcast about my own military record in 2004 were also wrong. The votes against the Boxer amendment—an amendment which makes clear our disagreement with the ad which ran September 10—speak volumes about the partisan motivations behind the Cornyn amendment, and the fact that, apparently, many of our colleagues believe that attacking the integrity of veterans and members of the military is fair game as long as they are Democrats. I would remind them that when you sign up for military duty, no one asks whether you are a Democrat or Republican, liberal, or conservative.

Over the last years, I have defended veterans who have been under assault from any quarters, left or right. I spoke out in 2000 when JOHN MCCAIN's integrity and military record was questioned by the Bush campaign in South Carolina. I spoke out when Max Cleland's patriotism was savaged by people who had never worn the uniform. I defended Jack Murtha when vicious partisans on the right called that decorated marine a ''coward.'' I spoke out when the Bush administration questioned the patriotism of career military men and Generals throughout the war in Iraq, whether it was General Shinseki, or many in uniform who spoke out against Secretary Rumsfeld. I don't reserve my defense of patriotism for Democrats, I defend all who have worn the uniform, whether they agree with me or not. I wish I could say the same for those who brought forward the Cornyn amendment and voted against the Boxer amendment.

This was not a proud day in the Senate, or a high mark in our politics; rather, it was hours lost and time wasted when the Senate should have delivered what all the men and women of the armed forces truly deserve: a policy equal to their sacrifice.

Mr. FEINGOLD. Mr. President, I opposed the amendments offered by Senators CORNYN and BOXER because they were a diversion from the real issue before us; namely, the future of our military involvement in Iraq. I disagreed with the language used in all of the ads addressed in these amendments, but we should not let those ads sidetrack the real work of the Senate. I hope the Senate will not get in the habit of condemning political speech, even speech that is offensive.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

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

CHILDREN'S HEALTH INSURANCE

Ms. COLLINS. Mr. President, earlier today, the President announced his intention to veto the extension of the Children's Health Insurance Program bill. I believe such a veto would be a terrible mistake.

One of the very first bills I cosponsored when I first came to the Senate was legislation to create the State Children's Health Insurance Program, or SCHIP as it has become known. It provides health care coverage for children in families where the parents do not have sufficient income to purchase health insurance and are not getting health insurance in the workplace, and yet they make a bit too much money to qualify for coverage under the State's Medicaid program. So these low-income children in working families have been falling through the cracks. That is why this law has been so important.

I remember it well that Senator HATCH, Senator KENNEDY, and Senator ROCKEFELLER all came up to me to enlist my support. I was very eager to sign on as one of the original cosponsors of this law because I knew it could make such a positive difference. Indeed, it has.

Since 1997, the SCHIP program has contributed to a one-third decline in the rate of uninsured low-income children. Today, an estimated 6.6 million children, including more than 14,500 children living in Maine, receive health care coverage through this program. Still, there is more we could do.

While Maine ranks among the top four States in reducing the number of uninsured children, we still have more than 20,000 children in our State who lack coverage. Nationally, about 9 million children remain uninsured. That is why I was so pleased to hear the conferees appeared to be very near to an agreement that is modeled on the legislation that passed the Senate in August with strong bipartisan support, in fact, by a vote of 68 to 31.

Our Senate bill increases funding for the SCHIP program by $35 million over the next 5 years, a level that is sufficient to maintain coverage for all 6.6 million children currently enrolled, and it would also allow the program to expand to cover an additional 3.3 million low-income children. In Maine, this legislation would allow us to cover an additional 11,000 low-income children who are currently eligible for the SCHIP program but not enrolled.

I urge the administration to take a second look at the Senate bill, the bill that is the basis for the conference agreement. This legislation has made a real difference in the lives of working families with low-income children across this country. It is helping to ensure these children grow up to be healthy adults. Surely, we can get this done on a bipartisan basis before the program is scheduled to expire on September 30.

I urge the President of the United States to reconsider his threat to veto this vital program, this highly successful program that has a proven track record of reducing the number of children who lack health insurance. If the President does proceed to veto the bill, I will vote to override his veto. Surely, this bill has a track record that has made a real difference to low-income children in working families. We simply cannot allow this program to expire. The extension and expansion we are proposing will enable us to more fully cover these children.

TRIBUTE TO LIEUTENANT COLONEL GEORGE SHERMAN

Mr. REID. Mr. President, on Wednesday, September 5, 2007, the State of Nevada and our Nation lost a true hero: Retired U.S. Army Air Corp LTC George Sherman., who served our Nation during World War II as a member of the famed Tuskegee Airmen.

Like so many African-American soldiers during that time, Colonel Sherman answered the call to fight for freedom and justice abroad, even when it was categorically denied at home. These men traveled and fought thousands of miles from their families—when every day, their mothers, fathers, sisters and brothers faced injustice at home.

While our Nation can never fully repay the debt to our veterans, in March of this year Congress officially thanked Colonel Sherman and his fellow Tuskegee Airmen for their service to our Nation. Colonel Sherman joined nearly 300 other Tuskegee Airmen in the Capitol Rotunda as thousands watched President Bush and leaders from the House and Senate award them the Congressional Gold Medal.

Colonel Sherman and the Tuskagee Airmen were in prestigious company in receiving the highest honor our Nation can bestow upon private citizens. Other honorees include individuals such President Harry Truman, Jackie Robinson, Reverend Billy Graham, Rosa Parks, and Dr. Martin Luther King, Jr.

I was pleased to have the opportunity to watch Colonel Sherman and his fellow Tuskegee Airmen proudly take their place among all American heroes. Yet in addition to their accomplishments as Tuskegee Airmen, Colonel Sherman and many others continued to serve their country and local communities.

Colonel Sherman had a long record of service to Nevada. After 22 years of military service, he made his home in Las Vegas. Colonel Sherman was a tireless supporter of the Boy Scouts of America, where he earned the highest

honor of the Silver Beaver Award. He was active in the Kappa Alpha Psi Fraternity, which supports achievement in every field of human endeavor. Colonel Sherman also served on the board of directors of the Nevada Black Chamber of Commerce. And he continued to inspire young people to pursue opportunities in aviation though numerous speaking engagements across southern Nevada.

Again, Mr. President, we have lost a true hero. Our thoughts are with his family and loved ones.

TRIBUTES TO RUTH MULAN CHU CHAO

Mr. MCCONNELL. Mr. President, I rise today to remember a woman whose life, to a remarkable degree, traced the very arc of the American dream. Ruth Mulan Chu Chao returned home to the Lord on August 2, 2007, and today is the Seventh Seventh Day of her departure, an important day in Chinese tradition.

The story of her struggle to bring hope and opportunity to a family that had verged on losing both is an inspiration to all who knew her. On August 11, 2007, I had the honor of retelling my mother-in-law's life story at a private celebration of life and thanksgiving service in New York City that was attended by her many family, friends, admirers, and acquaintances.

It is my hope that by preserving my tribute, along with that of my wife, Secretary of Labor Elaine L. Chao, that the memory of this remarkable woman will live on not only for the benefit of those who knew her but for all who cherish the promise of America. May its placement in the CONGRESSIONAL RECORD serve as a lasting tribute to the millions of men and women who, like Ruth Mulan Chu Chao, struggled to see that promise fulfilled. Ruth's story is the story of America. It deserves to be heard.

I ask unanimous consent that my tribute and that of Secretary Elaine Chao be printed in the RECORD.

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

TRIBUTE BY SENATOR MCCONNELL

Sophocles said that ''One must wait until the evening to see how splendid the day has been.'' And we could say the same thing about the modest woman we mourn today. Ruth Chao put the lives of others ahead of her own for as long as anyone could remember. And, in the end, we all knew that this was the secret of her truly remarkable life.

As a young girl, she was torn from the beauty of her native home by an invading army, then secretly returned at great risk to herself to retrieve the family's belongings. As a young wife and mother, she was separated from her husband for three years, but consoled him with letters of encouragement, optimism, and hope. And as a loving mother of six daughters, she would diligently devote the rest of her years to them.

She had been at sea for more than a month in the summer of 1961 when she leaned over the rail toward the giant woman in New York harbor, and prayed that her family would be safe in this new and foreign place. There was no guarantee that the journey would end well. But in the years to come, Ruth Chao would quietly do all she could to ensure that her family lived up to the promise of America.

The cultural divide was as wide as the ocean that brought them here. One early shock came at the end of October, when a group of children showed up at the front door with masks on their faces. The neighbors knew it was Halloween. The Chao family thought they were being robbed. Most of the cultural difficulties were harder to bear. But they made it through. They had their anchor. It was Ruth.

In time, the family would learn the language and the culture. The daughters would go on to the best universities in the country, and anyone who visited the house in Harrison would learn the wisdom of the Chinese Proverb which says that ''Those who plant melons grow melons; those who plant beans produce beans.'' Ruth's devotion to her husband and her daughters was complete and total. And it showed.

She was never more herself than when she fell ill. She said that if someone in the family had to be sick, better that it be her. She had fewer responsibilities than the others, she said. It was an astonishing thing to hear. But it didn't surprise anyone who knew her. From the shadow of the Purple Mountain of Nanjing, to the bitterness of exile, to the uncertainty of a new life in a strange place, to the heartbreak of a long illness, she put herself last so that others might be first.

The Scriptures that she loved tell us that ''Unless a grain of wheat falls into the earth and dies it remains itself alone; but if it dies, it bears much fruit.'' Ruth Chao made this promise her own. She left this life as she lived it, giving of herself, even at the end, for others. And all of us are grateful for the harvest that she reaped.

TRIBUTE BY SECRETARY CHAO

My father, Dr. James S. C. Chao; sisters: Jeanette, May, Christine, Grace, Angela; the rest of our family, and I want to thank you so much—especially those who have traveled so far—for coming and helping us celebrate the life and legacy of our beloved mother, Ruth Mulan Chu Chao.

My mother is a modest and humble person who never wanted to trouble anyone. We did not notify many people formally but the volume of condolence wishes have been so spontaneous, heartfelt, and overwhelming. We are very touched.

Mother went home to the Lord a week ago last Thursday, after a heroic seven-year battle with lymphoma. In fact, her initial diagnosis came on the same day that the President announced my nomination as the Secretary of Labor. Our mother confronted this struggle as she did every challenge in her life—with courage, selfless concern for others, and a serenity that came from the belief that God had a purpose for her in life.

She and my father are part of a generation that experienced much suffering, but achieved great things. Mother and Father, like so many Chinese in the 20th century, endured the terror of foreign invasions, the chaos of domestic turmoil, and the heartbreak of dislocations in their native land. Despite all the terrible things they saw, they refused to be defeated by them and remained positive and optimistic their entire life.

Mother's courage in the face of great suffering was the product of a strong faith, rooted in a deep love for the Lord, her husband and her family. It gave her the strength to be a pioneer for women of her generation, and to leave a legacy that extends far beyond her immediate family.

Mother was ahead of her time even as a young woman, when she saw the promise of her future husband, James S. C. Chao, long before others, and pledged her love and her life to him unconditionally. Her American name, Ruth, which was given to her by a missionary, is very appropriate because—as the Biblical Ruth promised in Chapter 1:16—''whither thou goest, I will go.''

For my father's part, her graceful bearing, dignity, cultured upbringing and beauty ensured that his heart was hers forever. As Proverbs 31:10–12 say, ''When one finds a worthy wife, her value is far beyond pearls. Her husband, entrusting his heart to her, has an unfailing prize. She brings him good . . . all the days of her life.''

Mother's virtuous character was the foundation of our family and all that we have been able to achieve. Her loving, steady leadership at home alleviated all of Father's worries and enabled him to travel far and wide to seek opportunities to better life for the family. Mother was seven months pregnant with my sister, May, when Father left to go to America. During their three long years of separation, they were faithful to one another, to God and to every promise that they made.

Three years later, Mother risked everything, leaving her family and all that was familiar behind to join him, taking another great leap of faith. Moving to America may seem more commonplace now, but back then it was a courageous and bold step, especially because America was not nearly as ethnically diverse as it is today. Mother was a pioneer who led the way for those who came afterwards, and their contributions helped our country grow in the diversity and strength that makes it the envy of the world today.

Resettled in America, Mother paved the way for her daughters' successes by nurturing us physically and imbuing us with thinking and attitudes that were, again, ahead of their time. Mother always believed that women could be just as valued and accomplished as men. She also believed that the most important adornments for a woman were virtue, intellect and achievement. In fact, at the age of 51, she went back to school to St. John's University to earn a master's degree in Asian literature and history. She taught us to lead virtuous lives by her own example of being virtuous in everything she did and said. She is our model of dignity, propriety and purity of heart.

Mother gave expression to her strong faith and love not only through the example she set for us, but in giving herself wholeheartedly to her church and to her community. She touched the lives of many outside our family through her volunteer work in the church and in the community, often done quietly and without fanfare.

Mother's life spanned two worlds—Asia and America—and she played a role in building bridges of understanding between them. She never forgot where she came from, establishing several charitable foundations with Father that are helping young people in Asia and America access higher education and opportunity. She has planted thousands of seeds throughout her life that will blossom over time and produce many improvements in our world in the future.

As Mother faced the final challenge of her life, she never complained even though the ravages of the illness ensured that she was never without pain. Her only thoughts and words were always expressions of concern for others. When I would accompany her in the hospital, she would look quizzically at me and ask, ''Shouldn't you be at work? The people and the country are depending on you.''

During her illness, my parents switched roles. Mother had taken care of Father throughout her life. Now, he took care of

her, ferociously and protectively monitoring every detail of her care at every stage. So much so that one of the doctors joked that my father was practicing medicine without a license. Throughout this difficult time, the devotion of my parents to one another was like a shining beacon, drawing everyone to them with its intensity and warmth.

Nearly half a century ago, Father came to America to prepare a place for his young wife and their children. Now, Mother has gone to prepare a place for him and for us—an everlasting home with the Lord that will never end and where every tear will be wiped away. We are consoled by the knowledge that we will see Mother again with her usual smile, healthy and strong.

Until then, Mother is with us every day in our hearts and in our lives as an enduring inspiration, spurring us forward to contribute to society and make a difference in this world.

HISPANIC HERITAGE MONTH

Mr. MENENDEZ. Mr. President, I rise today to engage in a colloquy with my friend the distinguished Senator from Colorado, Mr. KEN SALAZAR, who I have the pleasure of serving with as cochair of the Senate Democratic Hispanic Task Force.

As we celebrate Hispanic Heritage Month, I would like to spend a moment talking about the landmark 1947 discrimination case Mendez v. Westminster, which established the legal precedent on which Brown v. Board of Education was based. It is an extremely important piece of our civil rights history, but sadly, it is often overlooked. Senator SALAZAR and I would like to remedy that.

Let me illustrate the importance of this case. I want you to picture two students, both equally bright, eager to learn, and full of possibility. One student sits in a beautiful new school building surrounded by the best books, a good heating system, and a clean cafeteria. The other sits in a dilapidated old shed with torn and tattered books that are far too old. The heat doesn't work because there's no furnace, and the cafeteria doesn't exist. As you all know, this was what occurred in towns throughout our country for far too long before Brown v. Board of Education ruled that separate was inherently unequal.

Sylvia Mendez, a victim of separate but equal before Brown v. Board of Education, was only 8 years old when she and her brothers were prohibited from attending a Whites-only school in Westminster, CA, in Orange County. Her father, along with five other Mexican-American fathers whose children were forced to attend subpar, segregated schools, challenged school segregation in the U.S. District Court in Los Angeles, claiming their children were victims of unconstitutional discrimination. This historic court battle ultimately ended school segregation in California and set in motion the legal process that would eventually end school segregation in America.

Mr. SALAZAR. Like my colleague Senator BOB MENENDEZ, I believe it is critical to recognize the contributions that Sylvia Mendez and her family have made to the advancement of civil rights. The Mendez family's struggle for equality is a reminder to me that we must continue to fight for equal and quality education for all our children.

Sadly, many young Hispanic students today attend schools that are lacking in resources, equipment, and highly qualified teachers. Nationally, Latinos are four times more likely to drop out of high school than their White counterparts and only 1 in 10 Latinos has obtained a 4-year college degree. Reforms to our education system are clearly needed to address these disparities and continue the legacy of Sylvia Menendez.

Education is a critical pathway to realizing the American dream. It is what allows every child to transcend the barriers of race, class, background, or disability to achieve their potential to be what they choose in life. A wise historian once said that, ''Education is the means by which we exult our successes and remedy our failures and the process by which we transmit our civilization from one generation to the next.''

We take this moment to recommit ourselves to uphold the legacy of Sylvia Mendez and her brothers. This is what Hispanic Heritage Month is all about.

Mr. MENENDEZ. I thank Senator KEN SALAZAR for the work he does on the Senate Democratic Hispanic Task Force on behalf of Latinos. My colleague understands, like I do, that we must not only celebrate the accomplishments of Latinos but turn to the future in to ensure that Latinos are protected by our laws and able to achieve the American dream. Sylvia Mendez, who has become a premier civil rights advocate and leader as a result of this case, is a clear example of what it means to achieve that dream.

ADDITIONAL STATEMENTS

HONORING LOUISE SEIKEL

● Mr. AKAKA. Mr. President, the Committee on Veterans' Affairs, which I am honored to chair, oversees the Department of Veterans Affairs, the second largest Cabinet level department in the United States. A person who works for Veterans Affairs is joined by roughly 245,000 fellow employees, each of whom plays a role in fulfilling our Nation's obligation to those who have served. In an organization of that magnitude, there is a real risk of overlooking the importance of the contributions made by individual VA employees. Today I want to recognize one such employee, who celebrated her 50th year of working for veterans this past Sunday.

Louise Seikel, a certified registered nurse anesthetist in Brooklyn, NY, has spent the last half century serving those who have served our country. To put this into perspective, I note that Louise has done this under 10 U.S. Presidents, and had provided care to veterans for over three decades before the first Secretary of Veterans' Affairs was appointed to the President's Cabinet. When she began, she and her colleagues cared for wounded warriors who were born in the 19th century, and today she is part of the health administration caring for those wounded in the conflicts of the 21st century.

Louise has served countless numbers of veterans, and I cannot put into words the immeasurable impact she has made. What I can do, however understated it may be, is give her my heartfelt thanks. Louise has earned it.

In that spirit I say to Louise Seikel, on behalf of every life you have touched and the grateful Nation you continue to serve, mahalo nui loa. Thank you so very much for your public service.●

IN RECOGNITION OF JANET TURCOTTE

● Mr. CARDIN. Mr. President, I wish to recognize one of my constituents, Janet Turcotte of Bowie, Maryland. I was fortunate to meet Janet in March of this year when she visited my Washington office. She came as part of C3, the Colorectal Cancer Coalition, a group whose mission is to eliminate suffering and death due to colorectal cancer.

Janet is a talented embroiderer, and for more than 20 years she has been decorating saddlecloths for the thoroughbreds at Maryland's Pimlico Race Course. For the past 2 years, she has added the colorectal cancer ''Blue Star of Hope'' to the saddlecloths of the contenders for the Preakness Stakes at Pimlico. Recognizing that the Preakness has more than 17 million television viewers each year, Janet aims to use this symbol to encourage early screening for colorectal cancer, and to save lives. Janet graciously brought me one of those ''Blue Star'' saddlecloths, which is now displayed in my personal office.

Janet Turcotte is far more than an advocate for colorectal health. She is also a patient. First diagnosed with stage IV colorectal cancer 4 years ago, she is currently battling her third recurrence of the disease. Last week, Janet's doctors told her that she does not have much time left.

Janet's message to Congress and to all Americans is an urgent and important one. It is that early screening, diagnosis and treatment of colon cancer can save lives. The American Cancer Society, whose members will visit Capitol Hill soon, reports that in 2006, more than 150,000 new cases of colon cancer were diagnosed and more than 50,000 Americans died from the disease, including more than 1,000 Marylanders.

I ask my colleagues to join me in extending our appreciation to Janet Turcotte, a dedicated and courageous advocate for colorectal health, for her

selfless efforts to promote a healthier America.●

HONORING ELEANOR McGOVERN

● Mr. JOHNSON. Mr. President, I wish to publicly honor and recognize one of South Dakota's favorite daughters, Eleanor McGovern, who died on January 25, 2007, at the age of 85. A memorial service is being held today for Eleanor, and I know my colleagues all join with me in expressing our sympathies to the McGovern family. While we do mourn her passing, we also celebrate her extraordinarily successful life working to better the lives of the people of South Dakota and people around the world.

Born in Woonsocket, SD, in 1921, Eleanor grew up on a farm during the Dust Bowl years of the 1930s. Her strong work ethic and her lifelong concern and compassion for others were instilled in her by her childhood experiences. When her mother died when she was 12 years old, Eleanor and her twin sister, Ila, took over all household responsibilities, helping their father raise their younger sister. Eleanor attended high school in Woonsocket and met her future husband, former Senator George McGovern, while attending Dakota Wesleyan University. After graduation she worked as a legal secretary before marrying Senator McGovern on October 31, 1943.

Throughout her life, Eleanor achieved many impressive accomplishments. She was a board member of Dakota Wesleyan University, the Psychiatric Institute, the Child Study Association, the Erickson Institute of Chicago, and Odyssey House of New York. Eleanor also volunteered for the Child Development Center. She was named an Outstanding Citizen in 1975 by Dakota Wesleyan University and awarded an honorary doctorate in humane letters in 1997.

In addition to all these accomplishments she was a devoted mother of five. Throughout the years, she provided a stable and loving home environment for her children and helped facilitate her husband's service to the Nation. During Senator McGovern's Presidential campaign, he described her as his most helpful critic and most trusted adviser.

Eleanor also authored her memoir, ''Uphill: A Personal Story,'' which was published in 1973. Following the death of her daughter Terry in 1994, she showed remarkable courage by speaking publicly about the tragedy of alcoholism and how it impacted her family. In addition, she helped establish the McGovern Family Foundation for researching alcoholism.

Thoughout her life she worked tirelessly to improve the lives of others, especially the lives of women and children; she published articles on child development while also traveling the Nation to address the problems facing American families. There are few people who have done as much to better the lives of the women and children of South Dakota.

Eleanor is survived by her husband Senator McGovern; 4 children—Ann McGovern, Susan McGovern, Mary McGovern-McKinnon, and Steve McGovern—10 grandchildren; and 6 great-grandchildren.

It is with great honor that I speak of the accomplishments of Eleanor McGovern and with great sadness that I mark her passing.●

HONORING MONTCLAIR STATE UNIVERSITY

● Mr. LAUTENBERG. Mr. President, today I wish to congratulate Montclair State University, MSU, on its 100th anniversary. Over the past century, MSU has grown from its humble beginnings as the New Jersey State Normal School with just 187 students into one of the premier educational institutions in the State of New Jersey.

Montclair State University began as a teacher's college and, to this day, continues to train the Nation's finest educators. However, the school's curriculum has expanded to include a comprehensive range of first-class undergraduate, graduate, and doctoral programs. With over 16,000 students and 465 full-time faculty members, MSU is currently the second-largest and fastest-growing university in New Jersey, and has a diverse student body that reflects New Jersey's population.

Much of the University's success can be attributed to its steadfast dedication to outstanding faculty, exceptional teaching, and quality of scholarship. The university is led by a dedicated and talented team focused on meeting the many needs of its students and the surrounding community. MSU manages to provide the individual attention of a small college, while also offering a vast array of majors and concentrations.

Mr. President, the students and alumni of Montclair State University have much to be proud of as they celebrate 100 years of academia. I applaud MSU for its many years of service, and I wish the university continued success in the years ahead.●

THE HONORABLE H. EMORY WIDENER, JR.

● Mr. WARNER. Mr. President, today I have a heavy heart. It is with great regret that I share with the Senate that the Honorable H. Emory Widener, Jr.—one of our country's extraordinary jurists, an exceptional Virginian, and a good friend—has passed away. For 38 years, he served our Nation and Virginia as a member of the Federal judiciary.

Our Nation has lost one of its finest jurists, someone who was universally admired for his dedication to the Constitution, to the laws passed by the Congress and subsequently enacted, and to the impartial treatment of those who appeared before him.

Emory Widener started his career in public service by entering the Naval Academy in Annapolis. Responding to the call of duty, he served as an officer in the final year of World War II. He later served in the Korean war and received an honorable discharge in 1958. Following 2 years in the Naval Reserves, he began law school at Washington and Lee University, and upon graduation he returned to that region of Virginia which he loved so dearly, southwest Virginia, to enter private practice in Bristol.

In 1969, Emory Widener was nominated for a lifetime appointment to the Federal court as a U.S. district judge for the Western District of Virginia and was promptly confirmed by the Senate. After an unusually brief period of time, only 2 years, he became the chief judge of this Federal court. In 1972, he was nominated for a seat on the Fourth Circuit and again received an expedient confirmation by the Senate.

By his extraordinarily well written opinions, Judge Widener became a legend on the Fourth Circuit. Judge Widener's exemplary judgment and integrity were profound assets to this important court, and I always have had a deep admiration and respect for this magnificent man and jurist. He was a legal giant in Virginia, a legal giant in America's Federal courts, and his service as a jurist should be a model for others.

Without question, southwest Virginia has lost one of its dearest friends. Yet the region can everlastingly point with great pride and admiration to the achievements of one of its greatest sons. He will be missed not only in Abingdon, VA, where his kept his office, but also by he fellow jurists, those who practiced before him, and throughout the Commonwealth and the Nation.

We all join in extending our deepest sympathies to his family and his friends as they mourn his passing.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON SEPTEMBER 23, 2001, WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2007.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2007.*

MESSAGE FROM THE HOUSE

At 1:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

MEASURES REFERRED

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

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2070. A bill to prevent Government shutdowns.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3356. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Add the Republic of Georgia to List of Regions Where African Swine Fever Exists'' (Docket No. APHIS–2007–0108) received on September 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3357. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived from Bovines'' (Docket No. APHIS–2006–0041) received on September 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3358. A communication from the Chairman and CEO, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's inventory of commercial activities for fiscal year 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3359. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred in the Department's Grants-in-Aid for Airports Account; to the Committee on Appropriations.

EC–3360. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Technical Data Rights'' (DFARS Case 2006–D055) received on September 18, 2007; to the Committee on Armed Services.

EC–3361. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Labor Reimbursement on Department of Defense Non-Commercial Time-and-Materials Labor-Hour Contracts'' (DFARS Case 2006–D030) received on September 18, 2007; to the Committee on Armed Services.

EC–3362. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisition of Major Weapon Systems as Commercial Items'' (DFARS Case 2006–D012) received on September 18, 2007; to the Committee on Armed Services.

EC–3363. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Emergency Acquisitions'' (DFARS Case 2006–D036) received on September 18, 2007; to the Committee on Armed Services.

EC–3364. A communication from the Chief of the Recruiting Policy Branch, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Recruiting and Enlistments'' (RIN0702–AA57) received on September 18, 2007; to the Committee on Armed Services.

EC–3365. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Limitations on Terms of Consumer Credit Extended to Service Members and Dependents'' (RIN0790–AI20) received on September 18, 2007; to the Committee on Armed Services.

EC–3366. A communication from the Associate General Counsel for Legislation and Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Government National Mortgage Association: Mortgage-Backed Securities Program—Payments to Securityholders; Book-Entry Procedures; and Financial Reporting'' (RIN2503–AA19) received on September 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3367. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amitraz, Atrazine, Ethephon, Ferbam, Lindane, Propachlor, and Simazine; Tolerance Actions'' (FRL No. 8147–5) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3368. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chloroneb, Cypermethrin, Methidathion, Nitrapyrin, Oxyfluorfen, Pirimiphos-methyl, Sulfosate, Tebuthiuron, Thiabendazole, Thidiazuron, and Tribuphos; Tolerance Actions'' (FRL No. 8143–2) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3369. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Desmedipham; Pesticide Tolerance'' (FRL No. 8146–8) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3370. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polychlorinated Biphenyls; Manufacturing Exemption'' (FRL No. 8143–4) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8135–8) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3372. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trifloxystrobin; Pesticide Tolerance'' (FRL No. 8147–3) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3373. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue: Government Settlements Directive Number 2'' (LMSB–04–0707–050) received on September 17, 2007; to the Committee on Finance.

EC–3374. A communication from the Acting Regulations Officer, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Updates to Applicability of the Supplemental Security Income Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities'' (RIN0960–AF99) received on September 18, 2007; to the Committee on Finance.

EC–3375. A communication from the Regulations Coordinator, Center for Medicaid and State Operations, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Revisit User Fee Program for Medicare Survey and Certification Activities'' (RIN0938–AO96) received on September 18, 2007; to the Committee on Finance.

EC–3376. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of memoranda concerning Peru; to the Committee on Foreign Relations.

EC–3377. A communication from the Chairman, National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report entitled, ''Eighth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–3378. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the organization's inventory of commercial activities for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3379. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Employee Contribution Election and Contribution Allocations; Correction of Administrative Errors; Availability of Records; Death Benefits; Loan Program; Thrift Savings Plan'' (5 CFR Parts 1600, 1605, 1631, 1651, 1655 and 1690) received on September 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3380. A communication from the Director, Division of Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Reemployment of Civilian Retirees to Meet Exceptional Employment Needs'' (RIN3206–AI32) received on September 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3381. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in Texas has exceeded the $5,000,000 limit; to the Committee on Homeland Security and Governmental Affairs.

EC–3382. A communication from the Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''New Classification for Victims of Criminal Activity; Eligibility for 'U' Nonimmigrant Status'' (RIN1615–AA67) received on September 18, 2007; to the Committee on the Judiciary.

EC–3383. A communication from the Assistant Attorney General for Administration, National Security Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Foreign Intelligence and Counterintelligence Records System, JUSTICE/NSD–001'' (AAG/A Order No. 023–2007) received on September 17, 2007; to the Committee on the Judiciary.

EC–3384. A communication from the Past National President, American Gold Star Mothers, Inc., transmitting, pursuant to law, the organization's annual tax audit; to the Committee on the Judiciary.

EC–3385. A communication from the Secretary of Veterans Affairs, transmitting, a draft bill intended to establish the position of Assistant Secretary for Acquisition, Logistics, and Construction within the Department; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes (Rept. No. 110–182).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HATCH:

S. 2072. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving 5 percent of the proceeds of the sale of public land lying within said States as provided by their respective enabling Acts; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 2073. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2074. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. MARTINEZ, Mr. COLEMAN, Mr. VITTER, Mr. INHOFE, and Mr. THUNE):

S. 2075. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 2076. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KOHL, and Mr. DURBIN):

S. 2077. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 2078. A bill to require updating of State building energy efficiency codes and standards; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 2079. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish an energy efficiency resource standard for retail electricity and natural gas distributors; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 2080. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself and Mr. CASEY):

S. 2081. A bill to require manufacturers to demonstrate sufficient means to cover, for certain products distributed in commerce, costs of potential recalls, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. HATCH, and Mr. REID):

S. 2082. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network, and for other purposes; 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. KOHL (for himself and Mr. FEINGOLD):

S. Res. 323. A resolution recognizing Kikkoman Foods, Inc., for its 50 years of operations in the United States; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ISAKSON, Mr. LOTT, Mr. PRYOR, Mr. TESTER, Mr. GRAHAM, Mr. JOHNSON, Mr. SUNUNU, and Mr. WHITEHOUSE):

S. Res. 324. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 156, a bill to make the

moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 388

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 772

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 885

At the request of Mr. ISAKSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 885, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

S. 911

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 921

At the request of Mr. BARRASSO, his name 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. 1001

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1267

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1445

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1518

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1703

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1703, a bill to prevent and reduce trafficking in persons.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Michigan

(Mr. LEVIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1845

At the request of Mr. WHITEHOUSE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1845, a bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States.

S. 1895

At the request of Mr. REED, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1909

At the request of Mr. ISAKSON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1909, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination, and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare program.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2034

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2034, a bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2061

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2061, a bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

S.J. RES. 13

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 201

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 201, a resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2878

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 2878 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2893

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. SALAZAR), the Senator from Ohio (Mr. BROWN), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2893 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2894

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2894 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2912 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2919 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2924

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2924 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2928

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2928 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2931

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2931 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2932

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2932 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2934

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2934 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 2934 proposed to H.R. 1585, supra.

AMENDMENT NO. 2944

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2072. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving 5 percent of the proceeds of the sale of public land lying within said States as provided by their respective enabling Acts; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce The Action Plan for Public Land and Education Act of 2007. This bill would restore some balance to the way education is funded in many of the western States, where a large proportion of public land is owned by the Government. This bill would authorize the Secretary of the Interior and the Secretary of Agriculture to grant a small portion of these Federal lands to the states so they can generate the much needed education revenue.

I wonder how many of my colleagues know that 10 of the 12 States with the largest pupil-per-teacher ratios are in the West? These 10 western States also have the lowest growth in per-pupil expenditures. And these ratios will only grow worse as growth in the West continues to out-pace the rest of the country. In fact, three of the fastest growing counties are in Utah.

I would like to take a moment to discuss how the west has gotten into this situation. Let us take a look at Utah's history, which began when in July of 1894, the State Enabling Act was approved. This act allowed ''the People of Utah to form a Constitution and State Government, and to be admitted into the Union.''

However, Section 9 of the enabling act sets forth that ''five percent of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union . . . shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.''

The Federal Government never followed through on its promise. Our bill, the APPLE Act, S. 2072, would direct the Government to deliver on that promise.

The Government's lack of follow-through on its promise is only exacerbated by the lack of a sales tax base in the west. Sales tax revenue, as we all know is generated on private lands. On average, the Federal Government owns 52 percent of the land located in the 13 western States, while the remaining States average just 4 percent Federal land ownership. Federal ownership in Utah is about 65 percent, second only to Nevada.

The problem is that sales tax is not being collected on these Federal lands, and public education is funded largely through sales tax revenues.

Some may say that the west's education funding deficit is due to a lack of commitment or effort by the States. This is not true.

The fact is that allocations to public education, by percentage, in the West matches or exceeds the rest of the Nation. In fact, western States pay on average 11.1 percent of their personal income to State and local taxes, whereas residents of the remaining States pay 10.9 percent.

I urge my colleagues to lend their support to addressing the west's education funding shortfall by helping me to pass the Action Plan for Public Land and Education Act of 2007.

By Mr. REID:

S. 2076. A bill to amend the Federal Power Act to require the President to

designate certain geographical areas as national renewable energy zones, and for other zones, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2076

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 ''Clean Renewable Energy and Economic Development Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) many of the best potential renewable energy resources are located in rural areas far from population centers;

(4) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(5) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(6) more efficient use of existing transmission capacity, better integration of resources, and greater investments in distributed generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(7) the Federal Government has not adequately invested in or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies and renewable electricity generation, including through enhancing distributed generation or through vehicle- and transportation-sector use; and

(8) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.

(a) IN GENERAL.—Title II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended—

(1) by inserting before the section heading of section 201 (16 U.S.C. 824 et seq.) the following:

''Subpart A—Regulation of Electric Utility Companies'';

and

(2) by adding at the end the following:

''Subpart B—National Renewable Energy Zones

''SEC. 231. DEFINITIONS.

''In this subpart:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

''(ii) any solid, nonhazardous, cellulosic material that is derived from—

''(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

''(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

''(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

''(IV) a plant that is grown exclusively as a fuel for the production of electricity.

''(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(C) EXCLUSIONS.—The term 'biomass' does not include—

''(i) municipal solid waste;

''(ii) paper that is commonly recycled; or

''(iii) pressure-treated, chemically-treated, or painted wood waste.

''(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means—

''(A) reduced electricity consumption from the electric grid because of use by a customer of renewable energy generated at a customer site; and

''(B) electricity or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

''(4) ELECTRICITY CONSUMING AREA.—The term 'electricity consuming area' means the area within which electric energy would be consumed if new high-voltage electric transmission facilities were to be constructed to access renewable electricity in a national renewable energy zone.

''(5) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means—

''(A) electric energy generated from solar energy, wind, biomass, landfill gas, the ocean (including tidal, wave, current, and thermal energy), geothermal energy, or municipal solid waste; or

''(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project.

''(6) FEDERAL TRANSMITTING UTILITY.—The term 'Federal transmitting utility' means—

''(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

''(B) the Tennessee Valley Authority.

''(7) FUEL CELL VEHICLE.—The term 'fuel cell vehicle' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(8) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging and discharging an onboard energy storage device, such as a battery.

''(9) HIGH-VOLTAGE ELECTRIC TRANSMISSION FACILITY.—The term 'high-voltage electric transmission facility' means an electric transmission facility that—

''(A) is necessary for the transmission of electric power from a national renewable energy zone to an electricity-consuming area in interstate commerce; and

''(B) has a capacity in excess of 200 kilovolts.

''(10) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this subpart—

''(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

''(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; and

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.).

''(11) NETWORK UPGRADE.—The term 'network upgrade' means an addition, modification, or upgrade to the transmission system of a transmission provider required at or beyond the point at which the generator interconnects to the transmission system of the transmission provider to accommodate the interconnection of 1 or more generation facilities to the transmission system of the transmission provider.

''(12) RENEWABLE ELECTRICITY CONNECTION FACILITY.—

''(A) IN GENERAL.—The term 'renewable electricity connection facility' means an electricity generation or transmission facility that uses renewable energy sources.

''(B) INCLUSIONS.—The term 'renewable electricity connection facility' includes inverters, substations, transformers, switching units, storage units and related facilities, and other electrical equipment necessary for the development, siting, transmission, storage, and interconnection of electricity generated from renewable energy sources.

''(13) RENEWABLE ENERGY CREDIT.—The term 'renewable energy credit' means a unique instrument representing 1 or more units of electricity generated from renewable energy that is designated by a widely-recognized certification organization approved by the Commission or the Secretary of Energy.

''(14) RENEWABLE ENERGY TRUNKLINE.—

''(A) IN GENERAL.—The term 'renewable energy trunkline' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider that is used to deliver electricity from renewable energy to the point at which the facility connects to a high-voltage transmission facility, including any modifications, additions or upgrades to the facilities and equipment, at a voltage of 115 kilovolts or more.

''(B) EXCLUSION.—The term 'renewable energy trunkline' does not include a network upgrade.

''SEC. 232. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

''(a) DESIGNATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this subpart, the President shall designate as a national renewable

energy zone each geographical area that, as determined by the President—

''(A) has the potential to generate in excess of 1 gigawatt of electricity from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

''(B) has an insufficient level of electric transmission capacity to achieve the potential described in subparagraph (A); and

''(C) has the capability to contain additional renewable energy electric generating facilities that would generate electricity consumed in 1 or more electricity consuming areas if there were a sufficient level of transmission capacity.

''(2) EXCLUSIONS.—The President shall not include in any national renewable energy zone designated under paragraph (1) any Federal land that (as of the date of enactment of this subpart) is designated as a wilderness study area, national park, national monument, national wildlife refuge, or area of critical environmental concern, if the Federal land is subject to protective management policies that are inconsistent with energy development.

''(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of the load of electric generating facilities.

''(c) CONSULTATION.—Before making any designation under subsection (a), the President shall consult with—

''(1) the Governors of affected States;

''(2) the public;

''(3) public and private electricity and transmission utilities and cooperatives;

''(4) public utilities commissions and regional electricity planning organizations;

''(5) Federal and State land management and energy and environmental agencies;

''(6) renewable energy companies;

''(7) local government officials;

''(8) renewable energy and energy efficiency interest groups;

''(9) Indian tribes; and

''(10) environmental protection and land, water, and wildlife conservation groups.

''(d) RECOMMENDATIONS.—Not sooner than 3 years after the date of enactment of this subpart, and triennially thereafter, the Secretary of Energy and the Federal transmitting utilities, in cooperation with the Director of the Bureau of Land Management, the Director of the United States Geological Survey, the Commissioner of Reclamation, the Director of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Secretary of Defense, and after consultation with the Governors of the States, shall recommend to the President and Congress—

''(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development; and

''(2) any modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential, including identifying improvements to permit application processes involving military and civilian agencies.

''(e) REVISION OF DESIGNATIONS.—Based on the recommendations received under subsection (d), the President may revise the designations made under subsection (a), as appropriate.

''SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

''(a) COST RECOVERY.—The Commission shall promulgate such regulations as are necessary to ensure that a public utility transmission provider that finances a high-voltage electric transmission facility or other renewable electricity connection facility located in 2 or more States and added in a national renewable energy zone after the date of enactment of this subpart recovers all prudently incurred costs, and a reasonable return on equity, associated with the new transmission capacity.

''(b) ALTERNATIVE TRANSMISSION FINANCING MECHANISM.—

''(1) IN GENERAL.—The Commission shall permit a renewable energy trunkline built by a public utility transmission provider in a national renewable energy zone to be initially funded through a transmission charge imposed on all transmission customers of the transmission provider or, if the renewable energy trunkline is built in an area served by a regional transmission organization or independent system operator, all of the transmission customers of the transmission operator, if the Commission finds that—

''(A) the renewable energy resources that would use the renewable energy trunkline are remote from the grid and load centers;

''(B) the renewable energy trunkline will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

''(C) the renewable energy trunkline has at least 1 project subscribed through an executed generation interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

''(2) NEW ELECTRIC GENERATION PROJECTS.—As new electric generation projects are constructed and interconnected to the renewable energy trunkline, the transmission services contract holder for the generation project shall, on a prospective basis, pay a pro rata share of the facility costs of the renewable energy trunkline, thus reducing the effect on the rates of customers of the public utility transmission provider.

''(c) FEDERAL TRANSMITTING UTILITIES.—

''(1) IN GENERAL.—Not later than 1 year after the designation of a national renewable energy zone, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in a State with a national renewable energy zone shall identify specific additional high-voltage or other renewable electricity connection facilities required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

''(2) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this subpart, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a high-voltage or other renewable electricity connection facility identified pursuant to paragraph (1) by a specified date, the Federal transmitting utility responsible for the identification shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under paragraph (3).

''(3) BONDING AUTHORITY.—

''(A) IN GENERAL.—In addition to any other authority to issue and sell bonds, notes, and other evidence of indebtedness, a Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of $10,000,000,000, to finance the construction of transmission facilities identified pursuant to paragraph (1) for the principal purposes of—

''(i) increasing the generation of electricity from renewable energy; and

''(ii) conveying that electricity to an electricity consuming area.

''(B) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of renewable electricity connection facilities financed pursuant to paragraph (2) from entities using the transmission facilities over a period of 50 years.

''(C) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this subpart, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electricity or transmission, of renewable electricity connection facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the renewable electricity connection facilities.

''(d) OPERATION OF HIGH-VOLTAGE TRANSMISSION LINES USING RENEWABLE ENERGY RESOURCES.—

''(1) PUBLIC UTILITIES FINANCING LIMITATION.—The regulations promulgated pursuant to this section shall, to the maximum extent practicable, ensure that not less than 75 percent of the capacity of any high-voltage transmission lines financed pursuant to subsection (c) is used for electricity from renewable energy.

''(2) NON-PUBLIC UTILITIES ACCESS LIMITATION.—Notwithstanding section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), the Commission shall promulgate regulations to ensure, to the maximum extent practicable, that not less than 75 percent of the capacity of high-voltage transmission facilities sited primarily or partially on Federal land and constructed after the date of enactment of this subpart is used for electricity from renewable energy.

''SEC. 234. FEDERAL POWER MARKETING AGENCIES.

''(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

''(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility;

''(2) use the purchasing power of the Federal transmitting utility to acquire, on behalf of the Federal Government, electricity from renewable energy and renewable energy credits in sufficient quantities to meet the requirements of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852); and

''(3) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land.

''(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

''(1) take into account the intermittent nature of wind electric generation; and

''(2) do not impair electric reliability.

''(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic concentrating solar systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Administrations and Tennessee Valley Authority, that—

''(1) take into account the solar energy cycle;

''(2) maximize the use of Federal land for generation or energy storage, where appropriate; and

''(3) do not impair electric reliability.

''(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

''(1) maximize the use of Federal land for the projects and activities;

''(2) displace fossil fuel baseload generation or petroleum imports; and

''(3) improve electric reliability.

''(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

''(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the National Association of Regulatory Utility Commissioners, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and hybrid electric vehicles and related technologies as part of their fleets of vehicles.

''(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.

''SEC. 235. RELATIONSHIP TO OTHER LAWS.

''Nothing in this subpart supersedes or affects any Federal environmental, public health or public land protection, or historic preservation law, including—

''(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

''(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).''.

(b) TRANSMISSION COST ALLOCATION.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

''(f) TRANSMISSION COST ALLOCATION.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the President designates an area as a national renewable energy zone under section 232, the State utility commissions or other appropriate bodies having jurisdiction over the public utilities providing service in the national renewable energy zone or an adjacent electricity consuming area may jointly propose to the Commission a cost allocation plan for high-voltage electric transmission facilities built by a public utility transmission provider that would serve the electricity consuming area.

''(2) APPROVAL.—The Commission may approve a plan proposed under paragraph (1) if the Commission determines that—

''(A) taking into account the users of the transmission facilities, the plan will result in rates that are just and reasonable and not unduly discriminatory or preferential; and

''(B) the plan would not unduly inhibit the development of renewable energy electric generation projects.

''(3) COST ALLOCATION.—Unless a plan is approved by the Commission under paragraph (2), the Commission shall fairly allocate the costs of new high-voltage electric transmission facilities built in the area by 1 or more public utility transmission providers (recognizing the national and regional benefits associated with increased access to electricity from renewable energy) pursuant to a rolled-in transmission charge.

''(4) FEDERAL TRANSMITTING UTILITY.—Nothing in this subsection expands, directly or indirectly, the jurisdiction of the Commission with respect to any Federal transmitting utility.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3 of the Federal Power Act (42 U.S.C. 796) is amended by adding at the end the following:

''(30) ELECTRIC DRIVE VEHICLE.—

''(A) IN GENERAL.—The term 'electric drive vehicle' means a vehicle that uses—

''(i) an electric motor for all or part of the motive power of the vehicle; and

''(ii) off-board electricity wherever practicable.

''(B) INCLUSIONS.—The term 'electric drive vehicle' includes—

''(i) a battery electric vehicle;

''(ii) a plug-in hybrid electric vehicle; and

''(iii) a plug-in hybrid fuel cell vehicle.''.

(2) Subpart A of part II of the Federal Power Act (as redesignated by subsection (a)) is amended—

(A) in the heading of section 201, by striking ''PART'' and inserting ''SUBPART''; and

(B) by striking ''this Part'' each place it appears and inserting ''this subpart''.

By Mr. HARKIN (for himself, Mr. KOHL, and Mr. DURBIN):

S. 2077. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, a year ago, there was a large-scale outbreak of food-borne illness caused by a virulent strain of E. coli in fresh bagged spinach. More than 200 people became ill, and three died. Since then, U.S. consumers have been bombarded with news of repeated cases of contaminated food—everything from peanut butter to seafood to pet food. Just this week, there was a recall of a Dole bagged salad product because of E. coli contamination.

We need to restore the public's confidence in American fresh produce and the agency that regulates it. To that end, I am introducing the Fresh Produce Safe Act of 2007. My colleague Senator KOHL has joined me in co-sponsoring this legislation, and our aim is to create, for the first time, an effective national food safety framework for all fresh produce.

Industry groups are acutely aware of the need to restore consumer confidence. For instance, the California leafy green produce industry has come up with a marketing agreement to certify the safety of its products. The Florida tomato industry has pushed the State to inspect and regulate its products. But this regional, patchwork approach is simply not adequate. We need a national program to ensure the safety of all fresh produce all across the country.

Under the Fresh Produce Safety Act, FDA would have the authority to require produce companies to follow commonsense food safety guidelines. Those guidelines currently are only voluntary. Now, obviously, it would be a waste of resources to require the same stringent controls for, say, apples that we would require for leafy green produce. That is why the bill requires FDA to establish national standards tailored to specific types of produce and the particular risk factors arising from the way each is grown and handled. The legislation also requires stepped-up inspections of operations that grow and process fresh produce, such as spinach or lettuce.

Other key provisions of the bill include a surveillance system to identify and stop the sources of fresh produce contamination, and a research program to better understand and prevent contamination of produce. The legislation would also require FDA to write rules to ensure that imported produce has been grown and processed under the same standards that we will have in the United States.

The Fresh Produce Safety Act is timely for another reason. Eating fruits and vegetables promotes lower body weight, stronger bones, and lower risk of developing diet-related diseases such as diabetes. In recent years, major efforts and investments have encouraged people to eat these healthful foods. It can only turn people away from healthy eating to have continuous instances of E. coli contamination and fresh produce recalls.

The American people need to have confidence that their fruits and vegetables are produced and handled in a safe and wholesome manner. That is exactly the goal of the Fresh Produce Safety Act.

By Mr. LAUTENBERG:

S. 2080. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to protect health and safety by notifying the public when there are potentially harmful sewage overflows in our streams, rivers, and coastal waters. This legislation, the Sewage Overflow Right-to-Know Act, would amend the Clean Water Act to require that owners and operators of publicly owned treatment works monitor their systems and notify the public when there is a sewage overflow with the potential to affect public health.

The Clean Water Act is soon to celebrate its 35th anniversary, and despite great gains we are still far from achieving the goal of eliminating pollution discharges. EPA estimates that there are between 23,000 and 75,000 sanitary sewer overflows each year. Those spills dump between 3 billion and 10 billion gallons of untreated sewage into our

rivers, lakes and coastal waters annually. In addition, combined sewer overflows spill 850 billion gallons of contaminated stormwater into our waterways each year.

Increased investment in our wastewater infrastructure is sorely needed to avoid having water quality return to what it was in the 1970s. This is why I chaired a hearing of the Environment and Public Works Committee's Transportation Safety, Infrastructure Security and Water Quality Subcommittee yesterday on clean water funding, and I look forward to working to reauthorize the Clean Water State Revolving Fund this Congress.

While we work toward closing the infrastructure funding gap and reducing sewage pollution, we must also keep citizens safe by informing them when there are sewage overflows. The EPA estimates that up to 3.5 million people get sick each year from recreational contact with waters contaminated by sanitary sewer overflows alone.

Currently, citizens are often needlessly unaware of sewage overflows. Although some individual utilities do an excellent job of public notification, many do not provide any communication to the public. The Clean Water Act does not require public notification under the National Pollutant Discharge Elimination System for sanitary sewer overflows, and State requirements, where they exist, are extremely variable. This legislation would remedy that situation by ensuring that publicly-owned treatment works employ a monitoring system to alert the operators when there is an overflow, and relaying that information to the public when there is potential harm to the public's health. In cases where the overflow has the potential for imminent and substantial harm, public health authorities and other affected entities, such as local drinking water treatment plants, must also be notified.

This legislation also requires annual reporting to EPA or the State with a summary of all overflows and the plans in place to address the overflows. This will help provide a more comprehensive picture of sewage infrastructure problems, and increase public awareness of needed repairs and upgrades.

Clean water and public health are priorities for New Jersey. Some sewer pipes in my State date back 150 years, and overflows are becoming more common. In one event earlier this year, 150 million gallons of untreated sewage mixed with stormwater spilled into the Hackensack River. The Sewage Overflow Right to Know Act establishes public notification of health risks posed by sewage overflows to keep our residents healthy while we continue to work to reduce sewage pollution.

I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my statement.

By Mrs. CLINTON (for herself, Mr. HATCH, and Mr. REID):

S. 2082. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I am proud to join with my colleagues Senator HATCH and Senator REID to introduce the Coordinated Environmental Public Health Network Act.

More than 40 years ago, in her seminal work Silent Spring, Rachel Carson noted that ''For the first time in the history of the world every human being is now subjected to contact with dangerous chemicals from the moment of conception until death.''

Her words remain true today. Not only are we subjected to chemicals, but we often don't have an understanding of the impact of these chemicals upon our health and the health of our children. I believe that it is past time for us to begin making the investments in research and technology that will allow us to understand the impact of the environmental exposures we face every day.

We know that chronic diseases like asthma, heart and lung disease—the chronic diseases that result in more than $750 billion in health care costs every year—are caused by three factors: genetics, behavior, and the environment.

Since the publication of Silent Spring in 1962, we have come a long way in understanding two of those three factors. Through initiatives like the Human Genome Project, we have been making incredible strides in our understanding of the science of genetics, so that we can better prevent and treat diseases. We have made strides in behavior change, with initiatives like smoking cessation campaigns resulting in a reduction of some of these behavioral threats to our health.

But we need to make more progress in our understanding of how the environment impacts our health. Far too often, these are silent health hazards that manifest themselves in unexpected cancers or other diseases. Yet we have no systematic way to collect and analyze the data that will allow us to make the linkages between environmental hazards and chronic illness clusters in various communities.

Take, for example, central Harlem, where one out of every four children has asthma. Or Fallon, Nevada—a small town with about 8,000 residents—where I attended an Environment and Public Works Committee hearing back in 2001 where we examined the high rates of leukemia among children in that community. There are examples like this from all over the country—often from minority or low-income communities that bear a disproportionate burden of environmental pollution—and we need to do more to protect the health of Americans who are daily living with environmental hazards. But if we don't have information to identify areas of high disease incidence and understand what environmental pollutants exist in those neighborhoods, we cannot adequately address the risks posed to our health.

The legislation I am introducing today will help us to understand those links. In establishing a coordinated environmental public health network, we can better track chronic diseases like cancer, asthma, and autism. We can establish critical information sharing between the Centers for Disease Control and Prevention and the Environmental Protection Agency, so that those agencies can pool the information that can help researchers and the public identify and address risks. We can increase our resources for biomonitoring, so that we can measure levels of exposure to chemicals. And we can improve our environmental public health capacity, so that we have professionals who are trained to engage in rapid response to environmental health risks across our country.

The Coordinated Environmental Public Health Tracking Network will allow us to make enormous gains in our understanding of environmental health, and give us the data necessary to make improvements for the health of our communities.

I would like to thank Senators HATCH and REID for joining me to raise awareness about these issues, and I look forward to working with my colleagues on the Health, Education, Labor and Pensions Committee to move this bill forward.

I ask unanimous consent to have printed in the RECORD a letter of support.

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

SEPTEMBER 19, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND HATCH: The undersigned organizations join in supporting the Coordinated Environmental Public Health Network Act of 2007. We are pleased that your bill would require the Secretary of Health and Human Services to establish and operate a Coordinated Environmental Public Health Network and operate and maintain National Environmental Health Rapid Response Services.

Chronic diseases cause 70 percent of deaths in the U.S. and are responsible for three-quarters of health care spending. Yet, our public health system lacks the tools it needs to gather sufficient information about these diseases. The air that we breathe and the water that we drink can jeopardize our health if contaminated with chemical, biological or other hazards. It is critical that we have the ability to track the relationship between environmental exposures and the incidence and distribution of disease.

In Fiscal Year 2002, Congress provided the Centers for Disease Control and Prevention (CDC) with funding to develop the National Environmental Public Health Tracking Program to coordinate local, state, and federal health agencies' collection of critical data. CDC selected pilot programs as testing grounds for the tracking program. Unfortunately, despite important information

gleaned from the pilot programs, due to limited funding, in August 2006 CDC was able to award funding to only 16 states and one city. This important program must be expanded to all 50 states.

The Network would provide valuable information that health officials and communities could use to monitor where and when chronic diseases occur and to assess their potential links to environmental hazards. It would coordinate among existing surveillance and data collection systems. The Rapid Response Services would provide an important service by helping to develop strategies and protocols for a coordinated rapid response to higher than expected incidence of chronic conditions and potential environmental exposures.

Your bill also recognizes the value of expanding the scope and amount of biomonitoring data collected by the CDC and State laboratories. Through biomonitoring techniques, CDC can measure with great precision actual levels of chemicals in people's bodies, investigate exposures, and study the causes of diseases. Enhancing our biomonitoring capacity will help expand our knowledge of chemical exposures in people and how these chemicals affect their health.

Finally, your bill addresses another need of public health infrastructure—assuring a well-trained public health workforce—by developing centers of excellence, a scholarship program and an applied epidemiology fellowship program. Providing support and incentives to ensure the availability of a well-trained and robust environmental and public health workforce is a critical component of establishing a well-equipped, modern public health system.

It is the Federal Government that must provide the national leadership and resources to initiate the action required to protect Americans from environmental hazards. The Coordinated Environmental Public Health Network Act of 2007 is a necessary step that will help provide potentially life-saving information and also improve our public health infrastructure. We appreciate your leadership on this important issue and look forward to working with you on this and other important public health initiatives in the future.

Sincerely,

Trust for America's Health, Action Now, Adapted Physical Activity Council, Alliance for Healthy Homes, American Association on Intellectual and Developmental Disabilities, American College of Occupational and Environmental Medicine, American College of Preventive Medicine, American Lung Association, American Public Health Association, Association of Public Health Laboratories, Breast Cancer Action, Breast Cancer Fund, California Safe Schools, Catholic Healthcare West, Center for Science in the Public Interest, Clean Water Action Midwest Office, Coalition for Clean Air, Commonweal, Council of State and Territorial Epidemiologists, Environmental Defense, Environmental Health Network, Families Against Cancer and Toxics, Healthy Building Network, Healthy Homes Collaborative, Healthy Schools Network—Washington, DC, Institute for Agriculture and Trade Policy, Institute for Children's Environmental Health, Institute of Neurotoxicology & Neurological Disorders, March of Dimes Foundation, Minnesota Center for Environmental Advocacy, MOMS (Making Our Milk Safe), National Association for Public Health Statistics and Information Systems, National Association of County and City Health Officials, National Association of Health Data Organization, National Disease Clusters Alliance, National Research Center for Women & Families, Olympic Environmental Council, Oregon Environmental Council, Pesticide Action Network North America, Physicians for Social Responsibility, PTAirWatchers.org, Research Institute for Independent Living, Sciencecorps, Tulane Center for Applied Environmental Public Health, Tulane School of Public Health and Tropical Medicine, Women's Voices for the Earth.

Mr. HATCH. Mr. President, I am pleased to join my colleagues, Senator CLINTON and Senator REID, in introducing today the Coordinated Environmental Health Network Act.

In modern society, we often take for granted the advances in public health measures made during the last century. Initiatives like drinking water protections and food safety programs have helped to counterattack infectious disease and add up to 25 years to the average human life expectancy.

Yet America today is faced by new public health challenges along with recurrence of chronic and infectious diseases. Chronic diseases account for approximately 70 percent of all deaths every year, most of which are preventable. These diseases also cause major limitations in daily living for about 25 million Americans and contribute more than $750 million to annual health care costs.

As an example of a new health threat, the West Nile virus had never before been detected in this hemisphere before the 2000 outbreak in New York. In 2007 alone, 1,982 human cases have been reported in almost every State and the District of Columbia.

Food-borne illnesses are estimated to cause 5,000 deaths a year; and asthma, a chronic condition, is the number one reason children miss school and is also expected to affect 29 million Americans within the next decade—more than twice the current number of people with asthma.

We know that the environment plays an important role in health and human development; but we do not know to what extent. Scientific researchers have linked specific diseases and health effects to certain environmental causes—for instance, infected mosquito bites and the West Nile virus, or asbestos and lung cancer—but many other links remain unproven, such as those between aluminum and Alzheimer's disease, or exposure to disinfectant by-products and bladder cancer.

The bottom line is that, if we are going to prevent disease, researchers need more complete information about environmental factors, their effect on people, and the resulting health outcomes.

The environmental exposure, biomonitoring, and incidence of chronic and infectious diseases data that do exist are not readily accessible by all the appropriate systems. Although the Centers for Disease Control and Prevention, CDC, has begun efforts in this area through its National Environmental Public Health Tracking Program—in which my home State of Utah is a participant—currently, no network exists to track environmental health data full-scale at the national level. Furthermore, at the state and local levels, environmental quality programs and classic public health programs are almost always based in different agencies.

This disconnection among environmental health projects at local, state, and Federal levels jeopardizes our protection against environmental health threats. The threat of terrorist attacks with biological or chemical weapons has most certainly become a major public health concern; but it is important to keep in mind that weaknesses in the environmental public health infrastructure have led to large-scale vector-, water-, and food-borne outbreaks of infectious disease.

In the 1998 Institute of Medicine, IOM, Report ''The Future of Public Health'', and the Pew Environmental Health Commission report ''America's Environmental Health Gap: Why the Country Needs a Nationwide Health Tracking Network'', this fragmentation is clearly outlined as contributing to disjointed policy development, imbalanced service delivery and a generally weakened public health effort.

The IOM report recommended that state and local health agencies strengthen their capacities for identification, understanding and control of environmental problems as health hazards.

The Pew Commission report concluded that the environmental health gap results from the lack of basic information that could document possible links between environmental hazards and chronic disease, as well as information that our communities and health professionals need to reduce and prevent such health problems. In response to this problem, the Pew Commission proposed a nationwide health tracking network.

Thirteen top public health groups, including the American Cancer Society, American Lung Association, and American Public Health Association endorsed the Pew report. This endorsement makes clear the message that the complexity of today's environmental public health problems requires coordinated responses from multiple agencies and organizations.

The scientific community has also been asking for the ability to bridge this environmental health gap. In a 2004 Environmental Health Perspectives article, a consortium of public health researchers wrote:

> The ''building blocks'' of knowledge provided by a nationwide environmental public health tracking network will enable scientists to answer many of the troubling questions we are asking today about what is making us sick. The result will be new prevention strategies aimed at reducing and ultimately preventing many of the chronic diseases and disabling conditions that afflict millions of Americans.

The common theme from these reports, and the message received from top public health organizations and researchers, is that there is a pressing need to establish environmental public health leadership at the Federal level.

This legislation will help provide that leadership by establishing a Coordinated Environmental Public Health Network. It will make available the infrastructure by which local, state, and Federal agencies can share environmental public health information.

This bill is designed to build upon the recommendations from the scientific and public health communities, as well as the program that the CDC has already begun to carry out.

The Coordinated Environmental Health Network will connect state systems that are tracking chronic diseases, environmental exposures, and other risk factors so that the causes of priority chronic diseases can be identified, addressed, and ultimately prevented. Public health officials, scientific researchers, and the general public will have the information they need to fight against chronic disease.

The Coordinated Environmental Health Network Act will provide states with grants to help develop the infrastructure they need in order to participate in the Nationwide Network.

In order to educate the public and provide the information needed to fight chronic disease, this bill calls for a National Environmental Health Report that will provide annual findings of the Nationwide Health Tracking Network.

This bill also aims to expand our environmental health infrastructure through the establishment and operation of regional biomonitoring labs, Environmental Health Centers of Excellence, applied epidemiology fellowships, and the John. H. Chafee Environmental Health Scholarship Program.

A survey of registered voters conducted for the Pew Environmental Health Commission indicated that most Americans say that taking a national approach to tracking environmental health should be a priority of government at all levels.

Without comprehensive environmental health tracking, policymakers and public health practitioners lack information that is critical to establishing sound environmental health priorities. In addition, the public is indirectly denied its right to know about environmental hazards, exposure levels and health outcomes in their communities—information they want and have every reason to expect.

Our country has one of the best health care systems in the world. Doctors are now successfully treating illnesses that were once considered debilitating or even terminal because we have made great investments in researching cures and finding treatments. It is time to make the same investment in preventing people from becoming sick in the first place. This bill is an important step forward in making that investment in the health of America, and I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—RECOGNIZING KIKKOMAN FOODS, INC., FOR ITS 50 YEARS OF OPERATIONS IN THE UNITED STATES

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

S. RES. 323

Whereas Kikkoman Foods, Inc., is celebrating its 50th anniversary of business in the United States during the year 2007;

Whereas Kikkoman Foods established sales operations in San Francisco, California, in 1957, expanded production in Walworth, Wisconsin, in 1972, and further expanded production in Folsom, California, in 1998;

Whereas Kikkoman Foods annually ships over 30,000,000 gallons of soy sauce throughout North America;

Whereas Kikkoman Foods was one of the first Japanese companies to have a major manufacturing plant in the United States and continues to make a steadfast commitment to the economic and culinary vitality of the United States; and

Whereas Kikkoman Foods, throughout its 50-year history in the United States, has remained steadfast in its devotion to promoting international cultural exchange: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the contributions made by Kikkoman Foods, Inc., to the cultural and economic vitality of the United States; and

(2) commends Kikkoman Foods on its 50 years of marketing and operations in the United States.

SENATE RESOLUTION 324—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ISAKSON, Mr. LOTT, Mr. PRYOR, Mr. TESTER, Mr. GRAHAM, Mr. JOHNSON, Mr. SUNUNU, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2007 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2945. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2946. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2947. Mrs. BOXER (for herself, Mr. LEVIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2948. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2949. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2950. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2951. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2952. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2953. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2954. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2955. Mr. WARNER (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2956. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2957. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2958. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2919 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH)

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

SA 2959. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2960. Mr. KYL (for himself, Mr. NELSON, of Florida, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2961. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2962. Mrs. BOXER (for herself, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2963. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2964. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2965. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2966. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2967. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2968. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2969. Mr. KERRY (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. OBAMA, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2970. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2971. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2972. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2973. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2974. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2975. Mr. GRAHAM (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2977. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2978. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2979. Mr. HAGEL (for himself and Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2980. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2981. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2982. Mr. COLEMAN (for himself, Mr. INOUYE, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2983. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2984. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2985. Mr. ROCKEFELLER (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2986. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2987. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2988. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2989. Mr. DORGAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2990. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2991. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2992. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2993. Ms. LANDRIEU (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2994. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2995. Mr. AKAKA (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2996. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2997. Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr . NELSON, of Florida, Mrs. HUTCHISON, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2998. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2999. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY , Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3000. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3001. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3002. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3003. Mrs. MCCASKILL (for herself, Mr. PRYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. VOINOVICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON, of Florida, Mrs. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 3004. Mr. OBAMA (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3005. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3006. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3007. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3008. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3009. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3010. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3011. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3012. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3013. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3015. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3016. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. COLEMAN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2945. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Except as provided pursuant to paragraph (4) and notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3) and pursuant to paragraph (4), no contract may be awarded by the Department of Defense through a congressional initiative unless more than one bid is received for such contract. If the primary recipient of funding for a congressional initiative is the Department of Defense, the Department must administer a competitive bidding process for the work to be completed. If the primary recipient of funding from a Department of Defense contract awarded through a congressional initiative is a private entity, the Department must allow multiple private entities to compete for the work to be completed.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Defense.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(4) EXCEPTION TO REQUIREMENT FOR COMPETITION IN GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES.—Section 2361(b)(1) of title 10, United States Code, is amended by striking ''unless that provision of law'' and all that follows and inserting ''unless—

''(A) such provision of law—

''(i) specifically refers to this section;

''(ii) specifically states that such provision of law modifies or supersedes the provisions of this section; and

''(iii) specifically identifies the particular college or university involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law is being made or awarded in contravention of subsection (a); and

''(B) the research and development concerned—

''(i) fulfills an urgent requirement for deployed United States forces; and

''(ii) involves unique and exceptional technology or concepts (which the Secretary shall describe in the notice under paragraph (2)) that makes competition for the award of a grant or contract inadvisable.''.

(5) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

SA 2946. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIV, add the following:

SEC. 1422. SCHOLARSHIPS FOR POST-SECONDARY EDUCATION FOR SPOUSES AND DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 such sums as may be appropriate for a grant to a private charitable organization or other appropriate private organization for the provision of scholarships for post-secondary education to spouses and other dependents of members of the Armed Forces, including members of the National Guard and the Reserves, for purposes of enhancing recruitment and retention of members of the Armed Forces.

SA 2947. Mrs. BOXER (for herself, Mr. LEVIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. __—SENSE OF SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces and our veterans deserve to be supported, honored, and defended when their patriotism is attacked;

(2) In 2002, a Senator from Georgia who is a Vietnam veteran, triple amputee, and the recipient of a Silver Star and Bronze Star, had his courage and patriotism attacked in an advertisement in which he was visually linked to Osama bin Laden and Saddam Hussein;

(3) This attack was aptly described by a Senator and Vietnam veteran as ''reprehensible'';

(4) In 2004, a Senator from Massachusetts who is a Vietnam veteran and the recipient of a Silver Star, Bronze Star with Combat V, and three Purple Hearts, was personally attacked and accused of dishonoring his country;

(5) This attack was aptly described by a Senator and Vietnam veteran as ''dishonest and dishonorable.''

(6) On September 10, 2007, an advertisement in the New York Times was an unwarranted personal attack on General Petraeus; who is honorably leading our Armed Forces in Iraq and carrying out the mission assigned to him by the President of the United States; and

(7) Such personal attacks on those with distinguished military service to our nation have become all too frequent.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its strong support for all of the men and women of the United States Armed Forces; and

(2) to strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization.

SA 2948. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq''.

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state''.

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that ''Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically''.

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that ''[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling . . . It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity''.

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that ''[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border''.

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that ''[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force . . . We believe that he works directly for the supreme leader of the country''.

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that ''[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap''.

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that ''[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability''.

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that ''[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white . . . We interrogated these individuals. We have on tape . . . Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not . . . So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received''.

(10) General Petraeus further stated on September 14, 2007, that ''[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January''.

(11) The Department of Defense report to Congress entitled ''Measuring Stability and Security in Iraq'' and released on September 18, 2007, consistent with section 9010 of Public Law 109–289, states that ''[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians . . . Tehran's support for these groups is one of the greatest impediments to progress on reconciliation''.

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that ''[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps–Qods Force . . . For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May''.

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that ''I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business . . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side''.

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that ''[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in

paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SA 2949. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) An estimate of the total amount of attorney fees for which the Federal Government has been determined liable under the decision in Butterbaugh v. Department of Justice, and an estimate of the total amount of attorney fees for which the Federal Government may be liable in the future due to claims made under that decision and under the decision in Hernandez v. Department of the Air Force.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(9) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(10) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(11) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(12) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(13) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(14) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(15) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

SA 2950. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SA 2951. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

SA 2952. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term ''national technology and industrial base'' has the meaning given that term in section 2500 of title 10, United States Code.

SA 2953. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the ''Help for Military Children Affected by War Act of 2007''.

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term ''military dependent child''—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense $5,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 2954. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking ''$2,000,000'' and inserting ''$2,500,000''; and

(2) in subsection (e), by striking ''under section 301(a)(4)''.

SA 2955. Mr. WARNER (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON NAMING THE NEXT AIRCRAFT CARRIER AS U.S.S. AMERICA.

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

(1) In the history of the United States, three Navy vessels have been named U.S.S. America.

(2) On November 9, 1776, the Continental Congress authorized the construction of three 74-gun ships of the line. One of the men-of-war, the first ship named America, was laid down in May 1777 in the shipyard of John Langdon on Rising Castle (now Badger) Island in the Piscataqua River between Portsmouth, New Hampshire, and Kittery, Maine.

(3) On June 26, 1781, Congress selected then-Captain John Paul Jones as the first commanding officer of the America. However, Congress decided on September 4, 1782, to present the ship to King Louis XVI of France to replace the French ship of the line Magnifique which had run aground and been destroyed on August 11, 1782, while attempting to enter Boston harbor. The ship transfer symbolized the appreciation of the United States for France's service to and sacrifices on behalf of the cause of the American patriots.

(4) The second America was originally the German civilian passenger transport Amerika, which was launched on April 20, 1905, at Belfast, Ireland, by the noted shipbuilding firm of Harland and Wolff, Ltd. Built for the Hamburg-America Line, the steamer entered transatlantic service in the autumn of 1905 when she departed Hamburg, Germany, on October 11, 1905, bound for the United States.

(5) The largest ship of her kind in the world, and easily one of the most luxurious passenger vessels to sail the seas, from 1905 to 1914, the Amerika plied the North Atlantic trade routes touching at Cherbourg, France, while steaming between Hamburg and New York, New York.

(6) During the summer of 1914, events in the Balkans triggered a conflict that soon spread through Europe, pitting nations against nations in the First World War. The eruption of fighting caught Amerika at Boston, where she was preparing to sail for home. Although due to leave port on August 1, 1914, the Amerika stayed at Boston lest she fall prey to the warships of the Royal Navy and remained there for almost three years during the period of United States neutrality.

(7) Meanwhile, the loss of life caused by German submarine operations turned opinion in the United States against the Central Powers and on February 1, 1917, the United States declared war. The Amerika remained inactive until seized by the United States Shipping Board (USSB), on July 25, 1917. The Amerika was earmarked by the Navy for service in the Cruiser-Transport Force as a troop transport, given the identification number 3006, and placed in commission on August 6, 1917.

(8) Secretary of the Navy Josephus Daniels promulgated General Order No. 320, changing the names of several ex-German ships on September 1, 1917. The Amerika became the America and went on to conduct multiple voyages transporting troops and supplies to and from Word War I operations in Europe. The completion of these trials proved to be a milestone in the reconditioning of former German ships, for the America was the last to be readied for service in the United States Navy.

(9) On September 26, 1919, the America was decommissioned in Hoboken, New Jersey, and transferred to the War Department. The ship went on to serve as USAT America, and was later renamed, possibly to avoid confusion with the liner America, as the Edmund B. Alexander, in keeping with the Army policy of naming its oceangoing transports for famous general officers. This name honored Edmund Brooke Alexander from the War with Mexico.

(10) The ship operated briefly between New Orleans, Louisiana, and the Panama Canal Zone and became a troop transport in World War II. The ship was sold to the Bethlehem Steel Co., of Baltimore, Maryland, on January 16, 1957, and was broken up a short time later.

(11) The third America was the aircraft carrier designated CV–66 laid down on January 1, 1961 at Newport News, Virginia, by the Newport News Shipbuilding and Dry Dock Corporation. She was launched on February 1, 1964, and commissioned at the Norfolk Naval Shipyard on January 23, 1965.

(12) In the late 1960s, the carrier America conducted multiple Mediterranean deployments during such events as political crises in Greece and the Suez and countless encounters with Soviet navy vessels and assisted with the rescue and treatment of wounded from the incident involving the Liberty (AGTR–5).

(13) On May 30, 1968, the carrier America arrived at Yankee Station in the South China Sea, and the next morning, the first aircraft since commissioning to leave her deck in anger were launched against the enemy. The America served through four line periods, consisting of 112 days on Yankee Station off the Vietnam coast.

(14) On a subsequent deployment in 1970, the carrier America completed 100 days on Yankee Station. Through five line periods, the carrier conducted 10,600 aircraft sorties, completed 10,804 carrier landings, expended 11,190 tons of ordnance, moved 425,996 pounds of cargo, handled 6,890 packages and transferred 469,027 pounds of mail. This was accomplished without a single combat loss and only one major landing accident with, fortunately, no fatalities.

(15) On June 2, 1972, three days before the carrier America was to sail again on deployment, the Chief of Naval Operations visited the ship and explained the reason why her orders had been changed to send her to the Gulf of Tonkin instead of the Mediterranean. On October 6, 1972, bombs from the planes of the America dropped the Thanh Hoa Bridge, a major objective since the bombing of the North had begun years before. The America received five battle stars for her overall service in the Vietnam War.

(16) The carrier America logged her 100,000th landing on August 29, 1973. On May 6, 1981, the America was the first United States Navy carrier to steam through the Suez Canal since the U.S.S. Intrepid (CVA–11) made the passage shortly before the Arab-Israeli ''Six-Day War'' of 1967. The America was also the first supercarrier to transit the canal since it had been modified to permit passage of supertankers.

(17) On January 7, 1986, President Ronald Reagan ordered all American citizens out of Libya, and broke off all remaining ties between the United States and Libya. At the same time, President Reagan directed the dispatch of a second carrier battle group to the Mediterranean, and directed the Joint Chiefs of Staff to look into military operations against Libya.

(18) On April 5, 1986, two days after a bomb killed four Americans along with others onboard a Trans World Airways (TWA) flight en route from Rome, Italy, to Athens, Greece, another bomb exploded in the La Belle Discoteque in West Berlin, Germany, killing two members of the United States Armed Forces and a Turkish civilian. Another 222 people were wounded in the bombing, 78 Americans among them. Operation Eldorado Canyon commenced early on the afternoon of April 14, 1986, and the carrier America, operating off the Libyan coast, launched six A–6 Intruder strike aircraft and six A–7E Corsair II aircraft in strike support.

(19) Following Operation Desert Storm, the carrier America returned to the United States amid a heroes' welcome. The America participated in Operation Welcome Home and Fleet Week '91 in New York, New York, from June 6, 1991, through June 11, 1991, taking part in the largest victory parade since World War II. After an abbreviated in-port period and compressed work-ups, the America deployed to the North Atlantic for two months in support of North Star '91, then departed on December 2, 1991, for the Mediterranean and Arabian Gulf once again, her eighteenth major deployment. The America also became the first carrier to earn an unprecedented third campaign star on the Southwest Asia Service Medal.

(20) The carrier America departed Norfolk, Virginia, on August 28, 1995, for a routine 6-month deployment to the Mediterranean and to the Indian Ocean. This was the 20th and final deployment in the 30-year history of the America as the carrier participated in Operations Deny Flight and Deliberate Force from September 9, 1995, to September 30, 1995.

(21) America returned to the pier in Norfolk, Virginia, ending her Mediterranean Sea deployment on February 24, 1996. After more than three decades of proud and historic naval service, the America was decommissioned at Norfolk Naval Shipyard in Portsmouth, Virginia on August 9, 1996.

(22) Stricken from the Navy List on the day of her decommissioning, the carrier America was originally planned to be scrapped. However, the carrier was sunk in the Atlantic Ocean, approximately 300 miles off the Virginia coast, on May 14, 2005, following a series of tests consisting of underwater and surface simulated attacks on the ship.

(23) In a letter to a coalition of veterans and former crewmembers of the America who offered to make the carrier a museum, the Vice Chief of Naval Operations explained that ''America will make one final and vital contribution to our national defense, this time as a live-fire test and evaluation platform. America's legacy will serve as a footprint in the design of future carriers — ships that will protect the sons, daughters, grandchildren and great-grandchildren of America veterans''.

(b) NAMING OF NEXT AIRCRAFT CARRIER.—It is the sense of the Congress that the next nuclear-powered aircraft carrier of the Navy be named U.S.S. America.

SA 2953. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

SA 2957. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION —MARITIME ADMINISTRATION

SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Authorities Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—GENERAL

SEC. —101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $122,890,545.

(2) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $20,000,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $20,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,408,000.

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

''§ 57533. Vessel chartering authority

''The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

''57533. Vessel chartering authority.''.

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting ''vessels,'' after ''piers,''; and

(2) by striking ''control;'' in subsection (a)(1) and inserting ''control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;''.

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking ''or'' after the semicolon in paragraph (3);

(2) by striking ''Defense.'' in paragraph (4) and inserting ''Defense; or''; and

(3) by adding at the end thereof the following:

''(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting ''(either by sale or purchase of disposal services)'' after ''shall dispose''; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

''(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

''(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;''.

SEC. —106. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —107. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

''(B) activate and conduct sea trials on each vessel at least once every 30 months;''.

SEC. —108. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term ''nontraditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term ''traditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before

the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE II—TECHNICAL CORRECTIONS

SEC. —201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. —202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

''(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. —203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.''; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.''.

(2) Section 53706(c) is amended to read as follows:

''(c) PRIORITIES FOR CERTAIN VESSELS.—

''(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

''(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

''(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

''(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

''(ii) meets a shortfall in sealift capacity or capability.

''(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.''.

(3) Section 53707 is amended—

(A) by inserting ''or Administrator'' in subsections (a) and (d) after ''Secretary'' each place it appears;

(B) by striking ''Secretary of Transportation'' in subsection (b) and inserting ''Administrator'';

(C) by striking ''of Commerce'' in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting ''if the Secretary or Administrator considers necessary,'' before ''the waiver''; and

(ii) striking ''the increased'' and inserting ''any significant increase in''.

(4) Section 53708 is amended—

(A) by striking ''SECRETARY OF TRANSPORTATION'' in the heading of subsection (a) and inserting ''ADMINISTRATOR'';

(B) by striking ''Secretary'' and ''Secretary of Transportation'' each place they appear in subsection (a) and inserting ''Administrator'';

(C) by striking ''OF COMMERCE'' in the heading of subsection (b);

(D) by striking ''of Commerce'' in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary.'' and inserting ''or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.''; and

(F) in subsection (e), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary'' and inserting ''or financial structures''.

(5) Section 53710(b)(1) is amended by striking ''Secretary's'' and inserting ''Administrator's''.

(6) Section 53712(b) is amended by striking the last sentence and inserting ''If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.''.

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking ''OF COMMERCE'' in the subsection heading; and

(B) by striking ''of Commerce'' each place it appears.

(8) Section 53732(e)(2) is amended by inserting ''of Defense'' after ''Secretary'' the second place it appears.

(9) The following provisions are amended by striking ''Secretary'' and ''Secretary of Transportation'' and inserting ''Administrator'':

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where ''Secretary'' is followed by ''of Energy''.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where ''Secretary'' is followed by ''of the Treasury'', ''of State'', or ''of Defense''.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting ''or Administrator'' after ''Secretary'' each place it appears in headings and text, except where ''Secretary'' is followed by ''of Transportation'' or ''of the Treasury'':

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting ''or Administrator's'' after ''Secretary's''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. —204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking ''Naval Reserve'' each place it appears in analyses, headings, and text and inserting ''Navy Reserve''.

(2) Section 51504(f) is amended to read as follows:

''(f) FUEL COSTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

''(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

''(A) $100,000 for fiscal year 2006;

''(B) $200,000 for fiscal year 2007; and

''(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

(3) Section 51505(b)(2)(B) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(4) Section 51701(a) is amended by striking ''of the United States.'' and inserting ''of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.''.

(5)(A) Section 51907 is amended to read as follows:

''§ 51907. Provision of decorations, medals, and replacements

''The Secretary of Transportation may provide—

''(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

''(2) replacements for decorations and medals issued under a prior law.''.

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

''51907. Provision of decorations, medals, and replacements.''.

(6)(A) The following new chapter is inserted after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities.''.

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

''§ 54101. Assistance for small shipyards and maritime communities''.

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking ''(15 U.S.C. 632);'' and inserting ''(15 U.S.C. 632));''.

(E) The table of chapters at the beginning of subtitle V is amended by inserting after

the item relating to chapter 539 the following new item:

"541. Miscellaneous ..... 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. —205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking ''2 cents per ton (but not more than a total of 10 cents per ton per year)'' in subsection (a) and inserting ''4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,''; and

(2) by striking ''6 cents per ton (but not more than a total of 30 cents per ton per year)'' in subsection (b) and inserting ''13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. —206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

''(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

''(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

''(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

''(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

''(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.''.

(2) Section 12139(a) is amended by striking ''and charterers'' and inserting ''charterers, and mortgagees''.

(3) Section 51307 is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking ''organizations.'' in paragraph (3) and inserting ''organizations; and''; and

(C) by adding at the end the following:

''(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.''.

(4) Section 55105(b)(3) is amended by striking ''Secretary of the department in which the Coast Guard is operating'' and inserting ''Secretary of Homeland Security''.

(5) Section 70306(a) is amended by striking ''Not later than February 28 of each year, the Secretary shall submit a report'' and inserting ''The Secretary shall submit an annual report''.

(6) Section 70502(d)(2) is amended to read as follows:

''(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. —207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking ''section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)'' and inserting ''sections 12112, 50501, and 55102 of title 46, United States Code''.

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

''(e) ALTERNATIVE SERVICE.—

''(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

''(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.''.

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

''(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

''(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

''(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

''(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

''(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

''(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.''.

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking ''MIDSHIPMAN AND'' in the subsection heading and ''midshipman and'' in the text; and

(2) inserting ''or the Coast Guard Reserve'' after ''Reserve)''.

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking ''under this chapter'' and inserting ''by this chapter or the Secretary of Transportation''.

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking ''section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),'' and inserting ''section 50501 of this title''.

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. —208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting ''or'' after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting ''**valueless material or**'' before ''**dredged material**''.

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting ''valueless material or'' before ''dredged material''.

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting ''on an oceanographic research vessel'' after ''scientific personnel''.

(2) Section 50503 of title 46, United States Code, is amended by striking ''An oceanographic research vessel'' and all that follows and inserting the following:

''(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

''(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

''(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.''.

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking ''parts B, F, and G of subtitle II'' and inserting ''part B, F, or G of subtitle II, section 30104, or chapter 303''.

SEC. —209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. —210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting ''and'' after ''Conservation''.

(3) Section 12131 is amended by striking ''commmand'' and inserting ''command''.

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking ''46 App. U.S.C.'' and inserting ''46 U.S.C. App.''.

(B) Section 15(30) is amended by striking ''Shipping Act, 1936'' and inserting ''Shipping Act, 1916''.

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section ''1111'' (relating to 46 U.S.C. App. 1279f) and inserting section ''1113''; and

(ii) striking the second section ''1112'' (relating to 46 U.S.C. App. 1279g) and inserting section ''1114''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting ''and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)'' after ''of such section''.

SA 2958. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2919 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 19, add the following:

SEC. 3313. EFFECTIVE DATE.

This title shall not take effect until the date on which the President certifies that the integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 2959. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. HUBZONES.

(a) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(1) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(3) by striking the period at the end and inserting the following: ''; and

''(ii) during the 5-year period beginning on the date that a military installation is closed under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i) that are directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.''.

(b) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 2960. Mr. KYL (for himself, Mr. NELSON of Florida, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. POLICY ON PROGRAMS IN SPACE TO DEFEND UNITED STATES ASSETS.

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

(1) United States space-based satellites provide automated reconnaissance and mapping, aid weather prediction, track fleet and troop movements, give accurate positions of United States and enemy forces, and guide missiles and pilotless planes to their targets during military operations.

(2) United States access to space is dependent upon our ability to defend our space assets.

(3) China has an aggressive mission to gain space power, and on January 17, 2007, China successfully conducted an anti-satellite (ASAT) weapons test that successfully destroyed an inactive Chinese weather satellite which the resulting space debris generated threatens the space assets of many nations.

(4) Space-based weapons in the hands of hostile states constitute an asymmetric capability designed to undermine United States strengths.

(5) Space-based assets have the potential to prevent interference with United States satellites.

(b) POLICY.—It is the policy of the Untied States to protect its military and civilian satellites and to research all potential means of doing so.

SA 2961. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. NATIONAL GUARD SUPPORT FOR BORDER CONTROL ACTIVITIES.

(a) SUPPORT AUTHORIZED.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

''§ 112a. Border control activities

''(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State border control activities plan satisfying the requirements of subsection (c). Such funds shall be used for the following:

''(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of border control activities.

''(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of border control activities.

''(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of border control activities. However, the use of such funds for the procurement of equipment may not exceed $5,000 per item, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.

''(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State border control activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out border control activities.

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out border control activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

''(B) Appropriations available for the Department of Defense for homeland defense may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs,

for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.

''(C) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State border control activities plan does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the border control activities that units and personnel of the National Guard of a State may perform:

''(i) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

''(ii) National Guard personnel will not degrade their military skills as a result of performing the activities.

''(iii) The performance of the activities will not result in a significant increase in the cost of training.

''(iv) In the case of border control activities performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

''(c) PLAN REQUIREMENTS.—A State border control activities plan shall—

''(1) specify how personnel of the National Guard of that State are to be used in border control activities in support of the mission of the United States Customs and Border Protection of the Department of Homeland Security;

''(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service;

''(3) certify that participation by National Guard personnel in those operations is service in addition to training required under section 502 of this title;

''(4) certify that any engineer-type activities (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;

''(5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

''(6) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

''(d) EXAMINATION OF PLAN.—Before funds are provided to the Governor of a State under this section and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b), the Secretary of Defense shall, in consultation with the Secretary of Homeland Security, examine the adequacy of the plan submitted by the Governor under subsection (c). The plan as approved by the Secretary of Defense may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal immigration law.

''(e) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 6,000 members of the National Guard—

''(A) on full-time National Guard duty under section 502(f) of this title to perform border control activities pursuant to an order to duty; or

''(B) on duty under State authority to perform border control activities pursuant to an order to duty with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

''(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.

''(f) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

''(1) The number of members of the National Guard excluded under subsection (e) from the computation of end strengths.

''(2) A description of the border control activities conducted under State border control activities plans referred to in subsection (c) with funds provided under this section.

''(3) An accounting of the amount of funds provided to each State.

''(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform activities under the State border control activities plans.

''(g) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

''(h) DEFINITIONS.—In this section:

''(1) The term 'border control activities', with respect to the National Guard of a State, means the use of National Guard personnel in border control activities authorized by the law of the State and requested by the Governor of the State in support of the mission of the United States Customs and Border Protection of the Department of Homeland Security, including activities as follows:

''(A) Construction of roads, fences, and vehicle barriers.

''(B) Search and rescue operations.

''(C) Intelligence gathering, surveillance, and reconnaissance.

''(D) Communications and information technology support.

''(E) Installation and operation of cameras.

''(F) Repair and maintenance of infrastructure.

''(G) Administrative support.

''(H) Aviation support, including maintenance.

''(I) Logistics support.

''(2) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

''(3) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

''112a. Border control activities.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 2962. Mrs. BOXER (for herself, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in posttraumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the

date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

SA 2963. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SA 2964. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. C–40 AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft the Air Force is hereby increased by $85,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, as increased by subsection (a), $85,000,000 may be available for the procurement of one C–40 aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(1) for procurement of aircraft for the Navy is hereby reduced by $85,000,000, with the amount of the reduction to be allocated as follows:

(1) $69,000,000 to amounts available for procurement of UH–1Y/AH–1Z helicopters.

(2) $16,000,000 to amounts available for procurement of E–2C aircraft.

SA 2965. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1234. PLAN FOR POLITICAL AND ECONOMIC DEVELOPMENT IN AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to Congress a comprehensive 5-year plan for United States support and assistance in the political and economic development of Afghanistan.

(b) CONSULTATION.—In preparing the plan under subsection (a), the Secretary of State and the Administrator of the United States Agency for International Development shall consult with, among others, the Secretary of Defense, the Secretary of Agriculture, the Attorney General, the Secretary-General of the United Nations, the NATO Secretary General, and the heads of other international and nongovernmental organizations dedicated to international development.

SA 2966. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. POLICY OF THE UNITED STATES ON A VOTE BY THE PARLIAMENT OF IRAQ ON THE UNITED STATES MILITARY MISSION IN IRAQ.

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

(1) Section 1314(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28; 121 Stat. 125) states that ''[t]he President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces''.

(2) President George W. Bush stated on April 24, 2007, that if the Government of Iraq ''said get out now, we're tired of the coalition presence, U.S.'s presence is counterproductive, we would leave''.

(3) In May 2007, a majority of the members of the Parliament of Iraq reportedly signed draft legislation calling for a timetable for the withdrawal of United States forces from Iraq.

(b) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to request that the Prime Minister of Iraq submit to the Parliament of Iraq a resolution stating that it is in the interests of the people of Iraq to transition the United States military mission in Iraq to (1) training, equipping, and providing logistic support to the Iraqi Security Forces, (2) engaging in targeted counterterrorism operations against al Qaeda, al Qaeda-affiliated groups, and other international terrorist organizations, and (3) protecting United States and Coalition personnel and infrastructure, and redeploy United States forces not necessary to complete such missions by not later than nine months after the date of the enactment of this Act.

SA 2967. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. CONDITIONING OF UNITED STATES SUPPORT FOR GOVERNMENT OF IRAQ ON MEETING KEY POLITICAL BENCHMARKS.

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

(1) On November 27, 2006, Prime Minister of Iraq Nuri al-Maliki stated that ''[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians''.

(2) On January 7, 2007, President George W. Bush stated in a speech to the Nation that the purpose of sending more troops to Iraq was to provide ''breathing space'' to the Iraqis to achieve national reconciliation, and that ''America will hold the Iraqi government to the benchmarks it has announced''.

(3) On September 4, 2007, the Government Accountability Office reported that the Government of Iraq had met only one of the eight legislative benchmarks necessary for political reconciliation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States strategy in Iraq should be conditioned on the Government of Iraq meeting key political benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the commitments of the Government of Iraq to the United States and to the international community, including—

(1) forming a Constitutional Review Committee and then completing the constitutional review;

(2) enacting and implementing legislation on de-Ba'aathification;

(3) enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

(4) enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(c) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(1) the status of the achievement by the Government of Iraq of each of the benchmarks described in subsection (a)(3); and

(2) the Comptroller General's assessment of whether or not each benchmark has been met.

(d) WITHDRAWAL OF POLITICAL SUPPORT.—If in the report under subsection (c) the Comptroller General determines that the Government of Iraq has not met each of the benchmarks described in subsection (a)(3), the United States shall immediately withdraw political support for the Government of Iraq under Prime Minister Nuri al-Maliki and support efforts by the Iraqi Parliament to form a new government.

SA 2968. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007''.

SEC. 4002. DEFINITIONS.

In this division—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms ''service-disabled veteran'' and ''small business concern'' have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

''(d) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

''(2) MEMBERSHIP.—The members of the task force shall include—

''(A) the Administrator, who shall serve as chairperson of the task force;

''(B) a representative from—

''(i) the Department of Veterans Affairs;

''(ii) the Department of Defense;

''(iii) the Administration (in addition to the Administrator);

''(iv) the Department of Labor;

''(v) the Department of the Treasury;

''(vi) the General Services Administration; and

''(vii) the Office of Management and Budget; and

''(C) 4 representatives from a veterans service or military organization, selected by the President.

''(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

''(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

''(E) making other improvements relating to the support for veterans business development by the Federal Government.

''(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

''(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.''.

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the ''National Reservist Enterprise Transition and Sustainability Act of 2007''.

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting ''any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37,'' after ''any women's business center operating pursuant to section 29,''.

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

''SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

''(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

''(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

''(3) the term 'Association' means the association established under section 21(a)(3)(A);

''(4) the term 'eligible applicant' means—

''(A) a small business development center that is accredited under section 21(k);

''(B) a women's business center;

''(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

''(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

''(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

''(6) the term 'Reservist' means any person who is—

''(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

''(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

''(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

''(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

''(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

''(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

''(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

''(2) providing access to information and resources, including Federal and State business assistance programs;

''(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

''(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

''(5) assisting in developing a long-term plan for possible future activation; and

''(6) providing enterprise transition and sustainability assistance.

''(d) RULEMAKING.—

''(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

''(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

''(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

''(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

''(B) priorities for the types of assistance to be provided under the program authorized by this section;

''(C) standards relating to educational, technical, and support services to be provided by a grantee;

''(D) standards relating to any national service delivery and support function to be provided by a grantee;

''(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

''(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

''(e) APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

''(A) the activities for which the applicant seeks assistance under this section; and

''(B) how the applicant plans to allocate funds within its network.

''(f) AWARD OF GRANTS.—

''(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

''(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

''(g) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

''(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

''(i) the Administrator;

''(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

''(iii) the Committee on Small Business of the House of Representatives.

''(2) CONTENTS.—The report under paragraph (1) shall—

''(A) address the results of the evaluation conducted under paragraph (1); and

''(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

''(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

''(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.''.

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking ''$1,500,000'' each place such term appears and inserting ''$2,000,000''.

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business

Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

''(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

''(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

''(II) the period during which the relevant essential employee is on active duty.''.

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

''(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.''.

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

''(5) RELIEF FROM TIME LIMITATIONS.—

''(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

''(i) is owned and controlled by—

''(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

''(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

''(ii) was subject to the time limitation during such period of active duty.

''(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.''.

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

TITLE XLIV—OFFSET OF AUTHORIZATION

SEC. 4401. OFFSET.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

''(f) MICROLOANS.—For each of fiscal years 2008 through 2011, for the programs authorized by section 7(m), the Administrator is authorized to make $42,000,000 in loans.''.

SA 2969. Mr. KERRY (for himself, Mr DOMENICI, Mr. HAGEL, Mr. OBAMA, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

''§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—(1) The Center shall—

''(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

''(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

''(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

''(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

''(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

''(A) Not later than 72 hours after surgery or other operative intervention.

''(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

''(C) Not later than 180 days after surgery or other operative intervention.

''(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

''(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

''(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

''(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

''(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye

injuries incurred by members of the armed forces in combat.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.''.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

SA 2970. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. CONDITIONING OF UNITED STATES STRATEGY IN IRAQ TO IRAQ GOVERNMENT'S MEETING OF POLITICAL BENCHMARKS.

(a) POLITICAL BENCHMARKS.—The United States strategy in Iraq shall be conditioned on the government of Iraq meeting four political benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the government of Iraq's commitments to the United States, and to the international community, including:

(1) Forming a Constitutional Review Committee and then completing the constitutional review.

(2) Enacting and implementing legislation on de-Ba'aathification.

(3) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

(4) Enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(b) INDEPENDENT ASSESSMENT.—Not later than 90 days after the enactment of this Act, the Comptroller General of the United States shall submit to Congress an independent report setting forth:

(1) the status of the achievement of the benchmarks described in subsection (a).

(2) the Comptroller General's assessment of whether or not each benchmark has been met.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—If the Comptroller General's report finds that the government of Iraq has not met each of the benchmarks described in subsection (a), the mission of the United States military forces shall immediately be transitioned to (1) protecting United States and Coalition personnel and infrastructure, (2) training, equipping, and providing logistic support to the Iraqi Security Forces, (3) securing Iraq's borders in order to deter intervention and infiltration by Iranian and other foreign forces, and (4) engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations, and all U.S. forces not necessary to complete such missions shall be redeployed from Iraq not later than twelve months after the date of the enactment of this Act.

SA 2971. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Air Force is currently evaluating the use of towbarless aircraft ground support equipment, including revision of regulations to allow for the use of towbarless vehicles on jet and cargo aircraft.

(2) The use of aircraft ground support equipment has the potential to allow for safer and labor reducing towing of jet and cargo aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Air Force should modify regulations as appropriate to allow for the use of towbarless aircraft ground support equipment, which promotes safety and reduces labor.

SA 2972. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. LIMITATION ON COST GROWTH ASSOCIATED WITH 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

''SEC. 2915. LIMITATION ON COST GROWTH APPLICABLE TO CLOSURES AND REALIGNMENTS UNDER 2005 ROUND.

''(a) SEMIANNUAL REPORT ON IMPLEMENTATION COSTS.—

''(1) IN GENERAL.—Not later than October 7, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the costs of implementing the recommendations of the Commission contained in the report transmitted to Congress on September 15, 2005, under section 2903(e) that relate to closures and realignments that have not been fully implemented.

''(2) ESTIMATES REQUIRED.—Each report submitted under paragraph (1) shall include, for each individual recommended base closure or realignment—

''(A) the baseline estimate of one-time implementation costs; and

''(B) the current estimate of one-time implementation costs, including any increase attributable to actual or anticipated costs due to inflation.

''(b) SPECIAL PROCEDURES REQUIRED TO ADDRESS CERTAIN COST INCREASES.—

''(1) NOTIFICATION REQUIREMENT.—In the event that the Secretary of Defense determines, based on a report prepared under subsection (a), that the current estimate of one-time implementation costs for an individual base closure or realignment is at least 25 percent greater than the baseline estimate of one-time implementation costs for such closure or realignment (in this section referred to as a 'substantially over budget base closure or realignment'), the Secretary shall promptly provide notification of such determination, including the amount of the expected increase and the date the determination was made, to the chairman and ranking member of each of the congressional defense committees.

''(2) BUSINESS PLAN TO CONTROL COSTS.—The Secretary of Defense shall develop a business plan to reduce the costs of any individual substantially over budget base closure or realignment to a level less than 25 percent greater than the baseline estimate for such closure or realignment.

''(c) IMPLEMENTATION OF SUBSTANTIALLY OVER BUDGET BASE CLOSURES AND REALIGNMENTS.—

''(1) RECOMMENDATIONS.—Not later than 45 days after an individual base closure or realignment is identified in a report required under subsection (a) as a substantially over budget base closure or realignment, the Secretary of Defense shall submit to the President a recommendation regarding whether to continue implementation of such closure or realignment.

''(2) JUSTIFICATION REQUIRED.—In the event the Secretary recommends that an individual substantially over budget base closure or realignment should continue to be implemented despite the excessive cost overruns, the Secretary shall include the justification for continuing such closure or realignment.

''(3) REPORT TO CONGRESS.—Not later than 30 days after receiving a recommendation regarding whether to continue implementation of an individual substantially over budget base closure or realignment under paragraph (1), the President shall submit to Congress a report including the recommendation of the President regarding the implementation of such closure or realignment.

''(4) CONGRESSIONAL DISAPPROVAL.—

''(A) IN GENERAL.—The Secretary of Defense may not continue or discontinue the implementation of an individual substantially over budget base closure or realignment recommended by the President under paragraph (3) if a joint resolution is enacted, in accordance with the provisions of subsection (d), disapproving such recommendation of the President before the earlier of—

''(i) the end of the 45-day period beginning on the date on which the President submits to Congress a report under paragraph (3) that includes a recommendation regarding the implementation of an individual substantially over budget base closure or realignment; or

''(ii) the adjournment of Congress sine die for the session during which such report is submitted.

''(B) COMPUTATION OF PERIOD.—For purposes of subparagraph (A) of this paragraph and paragraphs (1) and (2) of subsection (d), the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

''(d) CONGRESSIONAL CONSIDERATION OF RECOMMENDATION REGARDING IMPLEMENTATION OF SUBSTANTIALLY OVER BUDGET BASE CLOSURES OR REALIGNMENT.—

''(1) TERMS OF THE RESOLUTION.—For purposes of subsection (c)(4), the term 'joint resolution' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President submits to Congress a report under subsection (c)(3) that includes a recommendation regarding the implementation of a substantially over budget base closure or realignment, and—

''(A) which does not have a preamble;

''(B) the matter after the resolving clause of which is as follows: 'That Congress disapproves the recommendation of the President on _____ with respect to _____', the blank spaces being filled in with the appropriate date and the name of a military installation or other information that identifies the individual closure or realignment, respectively; and

''(C) the title of which is as follows: 'Joint resolution disapproving the recommendation of the President regarding implementation of a substantially over budget base closure or realignment.'.

''(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

''(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President submits to Congress a report under subsection (c)(3) that includes a recommendation regarding the implementation of a substantially over budget base closure or realignment, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

''(4) CONSIDERATION.—

''(A) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

''(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

''(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

''(D) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

''(5) CONSIDERATION BY OTHER HOUSE.—

''(A) PROCEDURES.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

''(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

''(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

''(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

''(II) the vote on final passage shall be on the resolution of the other House.

''(B) DISPOSITION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

''(6) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(e) BASELINE ESTIMATE OF ONE-TIME IMPLEMENTATION COSTS DEFINED.—In this section, the term 'baseline estimate of one-time implementation costs' means the applicable cost set forth in the Cost of Base Realignment Actions (COBRA) report used and released by the Secretary of Defense at the time the Secretary published in the Federal Register and transmitted to the congressional defense committees and the Commission the initial list of recommendations for closure or realignment of military installations under section 2914(a).

''(f) APPLICABILITY.—The reporting, notification, and other requirements of this section do not apply to base closures and realignments involving the establishment or consolidation of a joint base.''.

SA 2973. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

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

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and

Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SA 2974. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 2975. Mr. GRAHAM (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

The Secretary of Defense shall report with in 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. (___). COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.

(a) SERVICE CERTIFICATION.—Not later than March 1, 2008 each military service shall certify new requirements for individual weapons that take into account lessons learned from combat operations.

(b) JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) CERTIFICATION.—Not later than June I, 2008 the JROC shall certify individual weapon calibers that best satisfy the requirements described in (a).

(b) COMPETITION REQUIRED.—Each military service shall rapidly conduct full and open competitions for procurements to fulfill the requirements described in (a) and (b).

(c) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 2977. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of

the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term ''Department of Defense health care professional'' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term ''Department of Defense physician'' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term ''qualified health care professional'' means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

SA 2978. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

SA 2979. Mr. HAGEL (for himself, Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

SA 2980. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

SA 2981. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to

the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

SA 2982. Mr. COLEMAN (for himself, Mr. INOUYE, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting '', including mental health care services,'' after ''health care services''.

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

SA 2983. Mr. COLEMAN (for himself, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 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), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

''(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.''.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after ''pay rates'' the following: '', and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)''.

SA 2984. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the ''National Center for Human Performance''.

SA 2985. Mr. ROCKEFELLER (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—INTELLIGENCE AUTHORIZATIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2008''.

TITLE XLI—INTELLIGENCE ACTIVITIES

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 4102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 4101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 4103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 4102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 4104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 4102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 4103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 4102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 4105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4106. DEVELOPMENT AND ACQUISITION PROGRAM.

(a) TRANSFER OF FUNDS.—Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex.

(b) AVAILABILITY OF FUNDS.—The funds transferred under subsection (a) shall be available as follows:

(1) In the case of funds transferred from funds currently available for obligation for any fiscal year before fiscal year 2008, for the time of availability as originally appropriated.

(2) In the case of funds transferred from funds appropriated for fiscal year 2008, without fiscal year limitation.

TITLE XLII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 4202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE XLIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 4301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 4302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 4303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 4304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 4306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 4307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 4308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''element of the intelligence community'' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 4309. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than December 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) DEFINITIONS.—In this section:

(1) The term ''congressional armed services committees'' means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The term ''element of the intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 4310. TERMS OF SERVICE OF PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT AND THE INFORMATION SHARING COUNCIL.

Section 1016 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 6 U.S.C. 485) is amended—

(1) in subsection (f)(1), by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner'' and inserting ''until''; and

(2) in subsection (g)(1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner'' and inserting ''until''.

SEC. 4311. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify applicable vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

''(A) periodically throughout the life-span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 506A(e).

''(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Vulnerability assessments of major systems.''.

SEC. 4312. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 4311, is further amended by inserting after section 506B, as added by section 4311(a), the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

''SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 4311(b), is further amended by inserting after the item relating to section 506B, as added by section 4311(b), the following new item:

''Sec. 506C. Annual personnel levels assessment for the intelligence community.''.

SEC. 4313. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 4311 and 4312, is further amended by inserting after section 506C, as added by section 4312(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

''(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

''(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

''(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

''(A) will have a total cost in excess of $1,000,000; and

''(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

''(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

''(A) complies with the enterprise architecture under subsection (b); or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

''(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

''(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the approval authority under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

''(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

''(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2009, the Director of

National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system; and

''(B) funds for business systems modernization identified for each specific appropriation.

''(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

''(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

''(2) The Committee shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

''(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATION TO DEFENSE BUSINESS SYSTEMS ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION REQUIREMENTS.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

''(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

''(j) REPORTS.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management

''(4) The term 'intelligence community business system modernization' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 4311 and 4312, is further amended by inserting after the item relating to section 506C, as added by section 4312(b) the following new item:

''Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 4314. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 4311 through 4313, is further amended by inserting after section 506D, as added by section 4313(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

''(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

''(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

''(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

''(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

''(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

''(4) A full life-cycle cost analysis for such system.

''(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

''(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

''(7) The significant contracts or subcontracts related to the major system.

''(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

''(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(3) The term 'major system', has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 4311 through 4313, is further amended by inserting after the item relating to section 506D, as added by section 4313(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

SEC. 4315. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 4311 through 4314, is further amended by inserting after section 506E, as added by section 4314(a), the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

''(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an independent cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 40 PERCENT.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

''(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

''(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 4311 through 4314 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 4314(b), the following new item:

''Sec. 506F. Excessive cost growth of major systems.''.

SEC. 4316. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—That section is further amended by adding at the end the following new subsection:

''(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 and not previously submitted in a report under subsection (a).''.

SEC. 4317. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical

effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) DUPLICATION.—If the Director of National Intelligence determines that a National Intelligence Estimate, or other formal, coordinated intelligence product that meets the procedural requirements of a National Intelligence Estimate, has been prepared that includes the content required by subsection (b) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by subsection (a).

SEC. 4318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION CONCERN.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking ''114(c)'' and inserting ''114(b)''.

TITLE XLIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 4401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by inserting after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

''(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 4402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or

access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 4403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community''.

SEC. 4404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

''(A) National intelligence centers established by the Director under section 119B.

''(B) Boards, commissions, councils, committees, and similar groups that are established—

''(i) for a term of not more than two years; and

''(ii) by the Director.

''(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 4405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 4404 of this Act, is further amended by adding at the end the following new subsections:

''(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

''(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

''(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions

''(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

''(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised—

''(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(v) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

''(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

''(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

''(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

''(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

''(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

''(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

''(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.''.

SEC. 4406. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 4407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

''(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

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

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) FORM.—The report under paragraph (1) may be submitted in classified form.

SEC. 4408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 4409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 103H. (a) IN GENERAL.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

''(b) ELEMENTS.—(1) The Reserve shall consist of the following elements:

''(A) Amounts authorized to be appropriated to the Reserve.

''(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

''(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

''(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

''(d) AVAILABILITY OF FUNDS.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

''(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

''(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

''(ii) 15 calendar days elapses after the date of such notification.

''(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

''(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

''(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.''.

(b) APPLICABILITY.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.''.

SEC. 4410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 4409 of this Act, is further amended by inserting after section 103H the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

''(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within a department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be

necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs

(1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 4409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 4411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

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

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 4412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''NATIONAL SPACE INTELLIGENCE OFFICE

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

''(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 4413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

''(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

''(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

''(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

''(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

''(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

''(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

''(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the

National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

''(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

''(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

''(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

''(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Operational files in the Office of the Director of National Intelligence.''.

SEC. 4414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 4415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 4416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 4417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) maintained by the Office of the Director of National Intelligence; or''.

Subtitle B—Central Intelligence Agency

SEC. 4421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

''(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

''(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

''(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

''(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

''(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

''(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (f)''.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(J) The Deputy Director of the Central Intelligence Agency.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 4422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

SEC. 4423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

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

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 4424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service''; and

(3) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director for Support''.

SEC. 4425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 4431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 4432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 4433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 4434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 4435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine

photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 4436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 4441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 4442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE XLV—OTHER MATTERS

SEC. 4501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 4502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 4503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 4504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 4505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 4506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 4507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 4508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code,

is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 4509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(A) Section 704(c)(2)(B).

(B) Section 706(b)(2).

(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking ''the Director of Central Intelligence, as head of the intelligence community,'' and inserting ''the Director of National Intelligence''.

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''.

SA 2986. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SECRET SERVICE PROTECTION FOR FOREIGN OFFICIALS FROM COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(h) Nothing in this section or section 3056A may be construed to authorize the United States Secret Service to provide protection for a visiting head of a foreign state or foreign government or for a foreign government official from a country the Department of State has designated as a state sponsor of terrorism during a visit to the site of a terrorist attack within the United States.''.

SA 2987. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SECRET SERVICE PROTECTION FOR FOREIGN OFFICIALS FROM COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM.

It is the sense of Congress that the authorization under sections 3056 and 3056A of title 18, United States Code, for the United States Secret Service to provide protection for a visiting head of a foreign state or foreign government or for a foreign government official does not include providing protection for a visit to the site of a terrorist attack within the United States by a visiting head of a foreign state or foreign government or a foreign government official from a country the Department of State has designated as a state sponsor of terrorism.

SA 2988. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

(1) Inspection of—

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

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

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

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

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

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

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

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

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) not later than 15 days before the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

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

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

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

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

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

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

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

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

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

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

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

(h) ACCOUNTING FOR ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly develop and maintain a system for maintaining a full accounting of the assistance provided under subsection (a).

(2) ELEMENTS.—The accounting required under paragraph (1) shall include the following:

(A) For any assistance so provided—

(i) the foreign country provided such assistance;

(ii) the period during which such assistance is provided;

(iii) the type of assistance provided; and

(iv) when applicable, the specific units provided such assistance.

(B) For each foreign country provided such assistance, a description (updated on an ongoing basis) of the peace operations being conducted by the country, including a separate description (so updated) of peace operations being conducted by each unit of the country conducting such operations.

(i) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, $100,000,000 may be available in fiscal year 2008 for the provision of assistance under subsection (a).

SA 2989. Mr. DORGAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term ''small arms'' means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

SA 2990. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army and available for Medical Advanced Technology, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) PROGRAM.—The program shall be conducted—

(1) using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes;

SA 2991. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the ''responsibility to protect'' doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the

command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to ''Operation Artemis'', the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, ''international intervention force'' means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. MODIFICATION OF AUTHORITIES RELATING TO EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) INCREASE IN NUMBER OF DARPA POSITIONS UNDER PROGRAM.—Subsection (b)(1)(A) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''40 scientific and engineering positions'' and inserting ''60 scientific and engineering positions''.

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Subsection (d) of such section is amended to read as follows:

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

''(A) $50,000 in fiscal year 2008, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

''(2) For purposes of paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

''(3) Except as authorized by subsection (e), an employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under this section.

''(4) Notwithstanding any other provision of this section (other than subsection (e)) or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.''.

(c) PAYMENT OF RELOCATION EXPENSES.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d), as amended by subsection (b) of this section, the following new subsection (e):

''(e) PAYMENT OF RELOCATION EXPENSES.—(1) An individual appointed under this section may be paid travel, transportation, and relocation expenses to the same extent, in the same manner, and subject to the same conditions as the payment of such expenses to an employee transferred in the interests of the United States Government.

''(2) Amounts payable to an individual under this subsection are in addition to any other amounts payable to the individual under this section.''.

(d) ANNUAL REPORTS.—Subsection (h) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking ''beginning in 1999 and ending in 2009,''.

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''subsection (e)(1)'' and inserting '' subsection (f)(1)'';

(2) in subsection (b)(3), by striking ''subsection (d)(1)'' and inserting ''subsection (d)''; and

(3) in subsection (g), as redesignated by subsection (c)(1) of this section, by striking ''subsection (e)(1)'' and inserting ''subsection (f)(1)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SA 2993. Ms. LANDRIEU (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

(a) UNITED STATES POLICY ON COUNTERTERRORIST OPERATIONS.—It shall be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008, $25,000,000 to conduct counterterrorist operations that assist in the destruction of the al Qaeda network.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $25,000,000, with the amount of the reduction to be allocated to amounts available for the Defense Business Transformation Agency is hereby reduce

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SA 2994. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. 8TH AIR FORCE CYBERSPACE INNOVATION CENTER.

Of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Air Force, $5,000,000 may be available for the 8th Air Force Cyberspace Innovation Center in Bossier City, Louisiana, to support the Air Force Cyber Command at Barksdale Air Force Base, Louisiana.

SA 2995. Mr. AKAKA (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb

of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

SA 2996. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 10, insert after ''congressional defense committees'' the following: '', and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,''.

On page 375, beginning on line 21, insert after ''congressional defense committees'' the following: '', and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,''.

On page 377, strike line 24 and all that follows through page 378, line 3, and insert the following:

(D) an evaluation of the use and effectiveness of funds provided under the Commanders' Emergency Response Program.

On page 379, beginning on line 5, strike ''the extent'' and all that follows through line 8 and insert ''United States policy with regard to cooperation with such drug traffickers for counterterrorism purposes.''.

On page 382, beginning on line 12, insert after ''reimbursed'' the following: ''from funds authorized to be made available to the Department of Defense''.

On page 382, line 22, insert after ''congressional defense committees'' the following: '', and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,''.

On page 383, line 17, insert after ''congressional defense committees'' the following: '', and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,''.

On page 392, beginning on line 10, strike ''the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives'' and insert '' the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives''.

On page 407, line 20, insert after ''Armed Services'' the following: '', Foreign Relations,''.

SA 2997. Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

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

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq.

(4) The Key Judgments of the January 2007 National Intelligence Estimate entitled ''Prospects for Iraq's Stability: A Challenging Road Ahead'' state, ''A number of identifiable developments could help to reverse the negative trends driving Iraq's current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the major sources of Iraq's instability ... Significant concessions by Shia and Kurds to create space for Sunni acceptance of federalism''.

(5) Article One of the Constitution of Iraq declares Iraq to be a ''single, independent federal state''.

(6) Section Five of the Constitution of Iraq declares that the ''federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations'' and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, ''The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians''.

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

(1) the United States should actively support a political settlement among Iraq's major factions based upon the provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the creation of federal regions within a united Iraq;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism; and

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

SA 2998. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. NATIONAL GUARD FAMILY ASSISTANCE CENTER COORDINATORS.

(a) CONVERSION TO FULL-TIME EMPLOYEE POSITIONS.—The Secretary of Defense shall convert positions of National Guard Family Assistance Center Coordinators (FACCs) to full-time employee positions in a manner that satisfies the requirements of subsection (b).

(b) RATIOS OF COORDINATORS TO RESERVE COMPONENT PERSONNEL.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary shall ensure that the number of full-time employee positions for National Guard Family Assistance Center Coordinators in each State for a fiscal year is not less than one such position for each increment of 1,000 members of in-State National Guard and Reserve personnel in such State as of September 30 of the preceding fiscal year.

(2) INCREMENTS.—If the aggregate number of in-State National Guard and Reserve personnel in a State at the end of a fiscal year is not a number evenly divisible by 1,000, the number of increments of 1,000 members of in-State National Guard and Reserve personnel in the State for purposes of paragraph (1) shall be the number equal to—

(A) the aggregate number of such in-State National Guard and Reserve personnel divided by 1,000 and rounded down to the next lowest whole number; plus

(B) if the amount of the rounding down under subparagraph (A) exceeds .3, an additional one.

(3) MINIMUM NUMBER.—The minimum number of full-time employees positions for National Guard Family Assistance Center Coordinators in any particular State shall be three positions.

(4) ADDITIONAL COORDINATORS DURING MOBILIZATIONS.—In the event of the mobilization of a unit of the National Guard or Reserve having a permanent duty location in a State, the number of full-time employee positions for National Guard Family Assistance Center Coordinators in such State shall be increased by one such position for each 250 members of in-State National Guard and Reserve personnel who are mobilized during the period that—

(A) begins not later than 60 days before the date of the mobilization of such unit; and

(B) ends on the date that is one year after the date of the completion of the release of such unit from active duty or other mobilized status.

(5) IN-STATE NATIONAL GUARD AND RESERVE PERSONNEL DEFINED.—In this subsection, the term ''in-State National Guard and Reserve personnel'', with respect to a State, means the members of the National Guard and Reserve, whether on active duty or inactive status, who have a permanent unit duty location in such State.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

SA 2999. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intented to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support;

(vi) the extent of the misuse of force or violations of the laws of war or federal statutes by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, the Inspector General of the Director of National Intelligence, the Inspector General of the Central Intelligence Agency, and the Inspector General of the Defense Intelligence Agency and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SA 3000. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

SA 3001. Mr. BAUCUS submitted an amendment intended to be proposed by

him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. RIGHT OF RECOUPMENT RELATED TO LAND CONVEYANCE, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

''(b) EFFECT OF RECONVEYANCE OR LEASE.—

''(1) RECONVEYANCE.—If, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

''(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).''.

SA 3002. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. MODIFICATION OF LAND CONVEYANCE TERMS, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

''(b) USE OF PROPERTY FOR OTHER THAN INTENDED PURPOSE.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, the Secretary shall require the Helena Indian Alliance to pay to the United States an amount equal to the fair market value of the property as of the time of such determination, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.''.

SA 3003. Mrs. MCCASKILL (for herself, Mr. PRYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. VOINOVICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON, of Florida Mrs. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029.

SA 3004. Mr. OBAMA (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL PURPOSE OF USERRA.—Section 4301(a) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) to ensure that family members of recovering servicemembers are able to provide family-based care for such servicemembers during their recovery.''.

(b) PROHIBITION.—Subchapter II of chapter 43 of such title is amended by adding at the end the following new section:

''§ 4320. Employment rights of family members caring for recovering members of the Armed Forces

''(a) PROHIBITION.—Subject to subsection (d), a family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in subsection (b) for a period of not more than 52 workweeks.

''(b) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

''(1) on invitational orders while caring for the recovering servicemember;

''(2) a non-medical attendee caring for the recovering servicemember; or

''(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

''(c) APPLICATION OF OTHER AVAILABLE LEAVE.—(1) To the extent that the family member has other available leave, the family member shall apply the leave to the 52-workweek period described in subsection (a), whether or not the leave would otherwise be usable for the absence from employment as described in subsection (b).

''(2) Except as otherwise provided in this section, the provisions of any Federal or State law covering the other available leave, or of any employment benefit program or plan under which the other available leave is offered, shall continue to apply during the period in which the leave is applied under paragraph (1).

''(3) In this subsection, the term 'other available leave' means available leave, paid or unpaid, that is vacation leave, personal leave, family leave, or medical or sick leave (including leave available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.)).

''(d) APPLICABILITY TO MULTIPLE FAMILY MEMBERS.—Not more than two family members of a recovering servicemember are entitled to coverage under subsection (a) at any one time.

''(e) CERTIFICATION OF COVERAGE.—The Secretary of Defense shall seek to minimize administrative burdens to family members and employers under this section and shall, in consultation with the Secretary of Labor, establish procedures for certifying to employers of coverage by subsection (a) of family members covered by that subsection. Such procedures shall include mechanisms for identifying the family members covered by subsection (a) in circumstances described by subsection (d).

''(f) DEFINITIONS.—In this section:

''(1) The term 'caring for', with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with a family member's ability to work.

''(2) The term 'employer' has the meaning given such term in section 4303(4) of this title, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)). .

''(3) The term 'family member', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37.

''(4) The term 'recovering servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.''.

(c) TREATMENT OF ACTIONS.—

(1) IN GENERAL.—Section 4311 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' after ''(a)''; and

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

''(2) A person described in section 4320(a) of this title shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in section 4320(b) of this title.''; and

(B) in subsection (c)(1), by inserting '' as described in paragraph (1) of that subsection, or the person's absence from employment as described in paragraph (2) of that subsection,'' after ''service in the uniformed services''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 4311. Discrimination and acts of reprisal prohibited: persons who serve in the uniformed services; family caregivers of recovering members of the Armed Forces''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 43 of such title is amended—

(1) by striking the item relating to section 4311 and inserting the following new item:

''4311. Discrimination and acts of reprisal prohibited: persons who serve in the uniformed services; family caregivers of recovering members of the Armed Forces.''; and

(2) by inserting after the item relating to section 4319 the following new item:

''4320. Employment rights of family members caring for recovering members of the Armed Forces.''.

SA 3005. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 3006. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site, consisting of approximately 50 acres located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled ''07–CE'' on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT RESPONSE.—The Secretary of Defense shall manage and carry out environmental response activities with respect to the property described in subsection (b) not later than 2 years after the date of the enactment of this Act, with the exception of long-term monitoring, using amounts made available from the account established by section 2703(a)(5) of title 10, United States Code.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SA 3007. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after ''military construction projects'' the following: '', land acquisitions, and defense access road projects (as described under section 210 of title 23)''.

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after ''permanent requirements'' the following: '', or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)''.

SA 3008. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 445, in the table preceding line 1, in the item relating to Naval Station, Bremerton, Washington, strike ''$119,760,000'' and insert ''$190,690,000''.

On page 447, line 5, strike ''Funds'' and insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—Funds''.

On page 447, line 9, strike ''$3,032,790,000'' and insert ''$3,103,720,000''.

On page 447, line 12, strike ''$1,717,016,000'' and insert ''$1,787,946,000''.

On page 449, between lines 16 and 17, insert the following:

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $70,930,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

SA 3009. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$147,760,000'' in the amount column and inserting ''$295,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$972,719,000''.

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—

(1) in subsection (a)(1), by striking ''$722,927,000'' and inserting ''$870,167,000''; and

(2) in subsection (b)(6), by striking ''$95,320,000'' and inserting ''$259,320,000''.

SA 3010. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) CONDUCT OF STUDY.—

(A) USE OF FFRDC.—The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(B) DEVELOPMENT OF STUDY METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the federally funded research and development center selected for the conduct of the study shall—

(i) develop the methodology for the study; and

(ii) submit the methodology to the Comptroller General of the United States for review.

(C) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after receipt of the methodology under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology; and

(ii) submit to the federally funded research and development center a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the review; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(D) MODIFICATION OF METHODOLOGY.—Not later than 30 days after receipt of the report under subparagraph (C), the federally funded research and development center shall—

(i) modify the methodology in order to address flaws or weaknesses identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(3) UTILIZATION OF OTHER STUDIES.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(2) The adequacy of the current intertheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C–5 aircraft fleet when compared with procuring new C–17 aircraft, which assessment shall be performed in concert with the Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C–5 aircraft and the C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions for the C–5 aircraft, and any assumptions made for the mission capable rates of the C–17 aircraft, sensitivity analyses shall also be conducted to test assumptions. The military capability study for the C–5 aircraft shall also include an assessment of the mission capable rates after each of the following:

(i) Successful completion of the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP).

(ii) Partially successful completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partially successful completion of either such program being considered the point at which the continued execution of such program is no longer supported by cost-benefit analysis.

(C) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(D) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted if necessary, including—

(A) an analysis of the costs of closing and re-opening the production line for the C–5 aircraft; and

(B) an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(5) The financial effects of retiring, upgrading and maintaining, or continuing current operations of the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(6) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 301 airframes, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 aircraft and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C–5 aircraft with C–17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C-17 aircraft.

(d) COLLABORATION WITH TRANSCOM.—The federally funded research and development center selected under subsection (a) shall conduct the study required by that subsection and make the report required by subsection (e) in concert with the United States Transportation Command.

(e) REPORT BY FFRDC.—

(1) IN GENERAL.—Not later than January 10, 2009, the federally funded research and development center selected under subsection (a) shall submit to the Secretary of Defense, the congressional defense committees, and the Comptroller General of the United States a report on the study required by subsection (a).

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report under paragraph (1), the Comptroller General shall submit to the congressional defense committee a report on the study conducted under subsection (a) and the report under paragraph (1). The report under this subsection shall include an analysis of the study under subsection (a) and the report under paragraph (1), including an assessment by the Comptroller General of the strengths and weaknesses of the study and report.

(f) REPORT BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

(2) ELEMENTS.—The report shall include a comprehensive discussion of the findings of the study, including a particular focus on the following:

(A) A description of lift requirements and operating profiles for intertheater airlift aircraft required to meet the National Military Strategy, including assumptions regarding:

(i) Current and future military combat and support missions.

(ii) The planned force structure growth of the Army and the Marine Corps.

(iii) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(iv) New capability in strategic airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(v) The utilization of the heavy lift aircraft in intratheater combat missions.

(vi) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(vii) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(viii) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(ix) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(B) A description of the assumptions utilized in the study regarding aircraft performances and loading factors.

(C) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(D) A comparison of cost and risk associated with optimal mix airlift fleet versus program of record airlift fleet.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3011. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting ''or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

SA 3012. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

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

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ''Inspector General''), who shall be appointed by the President.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3013. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.

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

(1) The precipitous withdrawal of United States forces from Iraq would have dangerous consequences for the national security of the United States and our allies, including the potential for destabilization of the Middle East region, the disintegration of United States relations with United States allies in the region, the endangerment of vital energy supplies in the region, and irreparable damage to the credibility of the United States throughout the world.

(2) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.

(3) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq.

(4) General Petraeus has stated that a reduction in United States forces in Iraq will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.

(b) RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.—The President shall commence a responsible reduction in the number of United States forces in Iraq commencing not later than 120 days after the date of the enactment of this Act.

(c) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The reduction in United States forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that will include increased engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(2) INTERNATIONAL MEDIATION.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of

the United Nations to Iraq who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in April 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) LIMITED PRESENCE OF UNITED STATES FORCES AFTER REDUCTION.—The goal of the reduction of United States required by this section shall be a limited presence for United States forces in Iraq at the completion of the reduction, with the missions of United States forces in Iraq after the completion of the reduction limited to the following:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(4) Providing support for targeted operations by Iraqi Security Forces against extremist militia groups, such as Jaish al Mahdi, which conduct attacks against United States forces and Iraqi Security Forces.

(5) Engaging in counterinsurgency operations which support the counterterrorism mission described in paragraph (3).

(6) Providing personnel and support to Provisional Reconstruction Teams until civilian personnel can be recruited to fill positions in such teams.

(7) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (6).

(e) REPORT ON REDUCTION.—Not later than 180 days after the date of the enactment of this Joint Resolution, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The scheduled date of the completion of the reduction and transition of United States forces in Iraq to a limited presence of carrying out the missions specified in subsection (d).

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this Joint Resolution and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and allies in the region toward that objective.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 824 and insert the following:

SEC. 824. COMPTROLLER GENERAL REPORT ON EMPLOYMENT OPPORTUNITIES FOR FEDERAL PRISONERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall, in coordination with the Attorney General, submit to Congress a report setting forth such modifications to law or regulations as may be required to provide sufficient employment opportunities for Federal prisoners to reduce recidivism among, and to promote job skills for, the growing population of Federal prisoners.

(b) ELEMENTS.—The report shall include an assessment of the following:

(1) The effect of the current Federal Prison Industries program on private industry.

(2) The impact of limitations on authorized purchasers of Federal Prison Industries products, and proposed alternative employment opportunities for Federal prisoners that may be used to reduce any negative impact on the Federal Prison Industries program of the modifications set forth in subsection (a).

SA 3015. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

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

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider establishing a new program of record for the Joint Enhanced Carbine not later than October 1, 2008.

(c) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(5).

(d) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(e) REPORT ON JOINT ENHANCED CARBINE.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in lieu of a developmental program intended to meet the proposed Joint Enhanced Carbine requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

SA 3016. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D-5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to

ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and anticipated programs to support an industrial base that would be needed to support the range of future requirements.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. COLEMAN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq''.

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state''.

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that ''Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically''.

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that ''[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling. . . . It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity''.

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that ''[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border''.

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that ''[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force. . . . We believe that he works directly for the supreme leader of the country''.

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that ''[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap''.

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that ''[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability''.

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that ''[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white. . . . We interrogated these individuals. We have on tape. . . . Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not. . . . So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received''.

(10) General Petraeus further stated on September 14, 2007, that ''[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth. . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January''.

(11) The Department of Defense report to Congress entitled ''Measuring Stability and Security in Iraq'' and released on September 18, 2007, consistent with section 9010 of Public Law 109–289, states that ''[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians. . . Tehran's support for these groups is one of the greatest impediments to progress on reconciliation''.

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that ''[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps–Qods Force. . . For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May''.

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that ''I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business . . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side''.

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that ''[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army and available for Medical Advanced Technology, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. ENHANCEMENT OF REVERSE SOLDIER READINESS PROCESSING DEMOBILIZATION PROCEDURE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly modify the demobilization procedure for members of the Armed Forces known as Reverse Soldier Readiness Processing by providing for the presence of appropriate Department of Veterans Affairs personnel during such demobilization procedure in order to achieve the following:

(1) The voluntary registration of members of the National Guard and Reserve for health care provided by the Department of Veterans Affairs.

(2) The provision of assistance to members of the National Guard and Reserve in applying for benefits and services from the Department of Veterans Affairs.

(3) The provision of information to members of the National Guard and Reserve on the benefits and services available through the Department of Veterans Affairs.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 574. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: ''However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.''; and

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

''(d) PROTECTION OF INNOCENT CHILD IN UTERO IN EXECUTION OF SENTENCE OF DEATH.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries an innocent child in utero.

''(e) INNOCENT CHILD IN UTERO DEFINED.—In this section, the term 'innocent child in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

SA 3021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation

for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a bill has been added to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The bill is S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel__pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 20, 2007 at 9:55 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a business meeting to consider several General Services Administration Resolutions and S. 589, a Bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee, to be followed immediately with a hearing entitled, ''Oversight Hearing to Examine the Condition of our Nation's Bridges.''

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 20, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Frozen Out: A Review of Bank Treatment of Social Security Benefits'' .

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a markup on Thursday, September 20, 2007, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Bills

S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House (Whitehouse, Leahy).

S. 772, Railroad Antitrust Enforcement Act of 2007 (Kohl, Coleman, Feingold).

S. 1267, Free Flow of Information Act of 2007 (Lugar, Dodd, Graham).

S. 1703, Trafficking in Persons Accountability Act of 2007 (Durbin, Coburn).

II. Nominations

Jennifer Walker Elrod to be United States Circuit Judge for the Fifth Circuit.

Patrick Shen, Special Counsel for Immigration Related Unfair Employment Practices.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Expanding Opportunities for Women Entrepreneurs: The Future of Women's Small Business Programs:'' on Thursday, September 20, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, September 20, 2007, in order to conduct a Joint Hearing to receive the 2007 legislative presentation by the American Legion. The Committee will meet in 345 Cannon House Office Building, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2007 at 2:30 p.m. to hold a hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 20, 2007, at 2:30 p.m. for a hearing entitled ''High Risk IT Investments: Is Poor Management Leading to Billions in Waste.''

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 20, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1377, to direct the Secretary of the Interior to convey to the city of Henderson, NV, certain Federal land located in the city, and for other purposes; S. 1433, to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; S. 1608 and H.R. 815, to provide for the conveyance of certain land in Clark County, NV, for use by the Nevada National Guard; S. 1740, to amend the act of February 22, 1990, and the act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota; S. 1802, to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho; S. 1939, to provide for the conveyance of certain land in the Santa Fe National Forest, NM; and S. 1940, to reauthorize the Rio Puerco Watershed Management Program, and for other purposes.

And to receive testimony on two additional bills added to the hearing: S. 1143, to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; and S. 2034, to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–7

Mr. KERRY. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 20, 2007, by the President of the United States: Treaty with the United Kingdom Concerning Defense Trade Cooperation, Treaty Document No. 110–7. I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007. I transmit, for the information of the Senate, the report of the Department of State concerning this Treaty.

My Administration is prepared to provide to the Senate for its information other relevant documents, including proposed implementing arrangements to be concluded pursuant to the Treaty, relevant correspondence with the Government of the United Kingdom about the Treaty, and proposed amendments to the International Traffic in Arms Regulations.

This Treaty will allow for greater cooperation between the United States and the United Kingdom, enhancing the operational capabilities and interoperability of the armed forces of both countries. I recommend that the Senate give early and favorable consideration to this Treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2007*.

JOINT REFERRAL—NOMINATION OF CHRISTOPHER A. PADILLA

Mr. KERRY. Mr. President, on behalf of Senator REID, as in executive session, I ask unanimous consent that PN 861, the nomination of Christopher A. Padilla to be Under Secretary of Commerce for International Trade, be jointly referred to the Finance Committee and the Banking Committee.

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

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) supporting the goals and ideals of ''National Life Insurance Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I rise today to recognize September 2007 as National Life Insurance Awareness Month.

I speak from personal experience when I say that you should never take for granted that you will always wake up tomorrow in the same condition you are in today. We can never be sure when our time will come, and it is always best to be prepared for the unexpected. An important part of preparedness is financial readiness, and that is why National Life Insurance Awareness Month is needed.

There are 68 million Americans either with no life insurance or who are underinsured. It is concerning that there is such a large segment of the adult population in this country without proper financial planning tools. In a time of loss, a life insurance policy can mean the difference between having to sell the family home, pulling the kids out of college, or even, in some cases, having enough money to put food on the table. I want to commend the National Association of Insurance and Financial Advisors and the Life Insurance Foundation for Education as well as more than 100 insurance companies for their effort to raise consumer awareness of the important role that life insurance products can play in helping families plan their financial futures.

I am also pleased that so many of our local financial advisors and financial institutions are already actively involved in helping South Dakotans increase savings and plan financial contingencies for unexpected events. By designating September 2007 as ''Life Insurance Awareness Month,'' I hope that the increased national attention on this issue will further encourage people across America to achieve financial security for themselves and their loved ones.

Mr. KERRY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2007 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

ORDERS FOR FRIDAY, SEPTEMBER 21, 2007

Mr. KERRY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Friday, September 21; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585, the Department of Defense authorization, as provided for under a previous order.

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

ORDER FOR ADJOURNMENT

Mr. KERRY. Mr. President, again, I know the Senator probably wants to speak. If there is no further business—after the Senator speaks—I ask unanimous consent that the Senate stand adjourned under the previous order, following Senator SESSIONS' statement.

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

Mr. KERRY. I thank the Chair and thank my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

IRAQ

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Massachusetts. I believe this matter is an important one. We have troops in the field who are executing the policies we have asked them to execute. We don't need to be using buzz words; we need to be talking about truth and facts and trying to make the right decisions for our country, and for the world for that matter.

I detect fundamentally in the Senator's comments and from quite a number of others that they believe, as the Senator said, ''there is no real way out,'' and, in effect, we have a doomed

policy that will not be successful. Therefore, we should withdraw now. If that is the fact, I would agree we should withdraw now. So that is why I think we need to analyze this very point.

Last fall, a lot of people were worried about what was happening in Iraq. I certainly was. I visited Iraq in October. I visited Al Anbar. It was a very troubling report we received from the marines. It caused me great concern. Remarkably, Al Anbar region has shown, almost overnight, tremendous progress.

But let's go to the facts. The Congress asked General Jimmy Jones and his commission in May to independently evaluate Iraq when we did the funding for the surge. General Jimmy Jones's report dealt with the fundamentals we are facing. I asked him did he believe it was realistically possible that we could be successful in Iraq. And he said: Yes, sir. I asked him did a single member of his 20-member commission believe that we were doomed to failure in Iraq, and he looked around and asked his commission members, and none of them said that was their view. They all believed we had a realistic chance of success. I asked General Petraeus did he believe we had a realistic chance of success in Iraq, and he said, yes.

So I guess what I would say is, some say we do not. I would say the people—the generals who are leading the effort there—say we have a realistic chance of success. The independent commission we sent over there of 20 members unanimously believes we do. So I think we should base our opinion on the best information we have. As for me, I have to accept that.

I also factor into that rather dramatic improvements in the reduction of violence in Iraq, where within Baghdad we have seen a 70-percent reduction of civilian deaths and a 55-percent reduction of civilian deaths across the country of Iraq. That is very significant. It is a product of many different things. It is a product of the new strategy as well as the new troops we sent there.

So I have to say to my friends and colleagues in the Senate: Yes, this is a tough vote. Yes, we need to worry and agonize and think carefully about the challenges we are now facing, and we need to make rational decisions. Based on the information I have and the committee hearings I have attended in Armed Services, my 6 visits to Iraq, I think we should not precipitously withdraw. Well, they say, this is not a precipitous withdrawal, it is a deadline, and that is going to make the Iraqis do better. But it is not a deadline; it is a precipitous withdrawal. I mean I just have to tell you, let's deal with facts.

The Levin-Reed amendment says the Secretary of Defense shall commence the reduction of the number of U.S. forces in Iraq not later than 90 days after the enactment of this act. And then it says: The Secretary of Defense shall complete the transition of the U.S. forces to a limited presence and missions by not later than 9 months after the enactment of this date. So this is basically a 9-month mandated withdrawal in Iraq, whether it creates instability and problems in places and puts our soldiers at greater risk or not. Unrelated to the facts on the ground, it is an absolute, mandated withdrawal.

Now, if we were doomed to failure, maybe this is what we ought to do, but I don't believe we are doomed to failure. I believe, as Senator LIEBERMAN said, there are a number of things that can cause us to feel better, and General Petraeus has certainly infused our effort with more leadership and effectiveness and purpose. His tactics utilizing counterinsurgency principles seem to have made some real progress.

For example, he told us he is embedding his soldiers with the local people and the local forces to an extraordinary degree, compared to what we have done before. As a matter of fact, I asked him about that. I said: What are you doing differently? He seemed to, I have to say, appreciate the question because he had been asked so many other things. But he is doing things differently, and he explained some of the things he is doing. We are embedding our soldiers with their soldiers. They are living with them. They are in the neighborhoods. As a result, we are receiving more information, and the number of caches of weapons that have been seized so far this year put us on a pace to double the number of weapons and munitions seizures that we have achieved this year, doubling the previous rate. He said in his mind that may have something to do with the fact that attacks have been down and the number of IED attacks have dropped 37 percent. He didn't overpromise or declare that. He said it might have something to do with that, that we are obtaining twice as many caches of weapons and seizing those as a direct result of more and better information from the people of Iraq.

So I would also join my colleague, Senator MCCAIN, who certainly knows something about war firsthand, in concluding that the limited presence mandated in this amendment, the Reed-Levin amendment, that says that the mission of our forces that are left in Iraq can only be for the following purposes: No. 1, protecting U.S. and coalition personnel and infrastructure—base security, defending our bases—No. 2, training, equipping, and providing logistic support to the Iraqi security forces; and No. 3, engaging in targeted—this is a legal mandate—targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations. That is all they can do. As Senator MCCAIN said, asking this question: Are they going to wear T-shirts that say: I am an al-Qaida, I am a Shia, or a Sunni terrorist; I am a Baathist warrior, and we can only shoot at those—use force against those who wear the al-Qaida T-shirts? This is not a practical, realistic directive to the U.S. military. We are not capable of deciding how to deploy the forces we have there. We are just not capable. This is a bunch of politicians—that is all we are—doing our best effort to serve the people. We don't have to be bound—I certainly agree—by a report from a general or the President.

We can act if we choose to act. But we need to ask ourselves, are we going to dismiss the testimony of our top generals and the independent Jones commission about the progress that is being made and the realistic chance of success that exists? In fact, I think it may be a realistic fact that one reason Osama bin Laden is all over the television apparently in the last few days is because he is getting worried. The Sunni support area of Al Anbar in Iraq has turned against him and his people, and they are fighting against him and have devastated much of their capability in the Al Anbar region—a direct change from what I was told last October when that was not occurring. We are working with local police, local mayors, local tribal leaders, and that is yielding progress to a degree we have not seen before in Iraq. It appears to be a model that can lead us more successfully than trying to meet with a bunch of politicians in downtown Baghdad and trying to reach an accord that is going to affect something in Fallujah or Samarra or Mosul. Washington, DC, can't affect Alabama or Nebraska very well.

But this country is not capable of issuing orders that can impact successfully the daily lives in these provinces and small towns. That is a product of the new nature of that Government and the lack of maturity it has. So we are using different tactics that seem to be working.

Well, we have said our military is being damaged and our morale is bad and we have real problems there. Certainly, we have had a tremendous amount of our military personnel there, and they have performed with the greatest professionalism. They are well trained, well disciplined, well equipped, they know how to use the equipment with which they have trained, and they are performing in a magnificent way. They are at risk every day and they are doing their jobs effectively.

For example, a few days ago, a group came to visit my office from Alabama. They were called Veterans for Freedom. It was made up of Alabama Army National Guardsmen and Army Reservists. I had the honor of being an Army Reservist for 10 years. I never served in combat, but I am honored to have been one of them. These are citizen soldiers. They recently returned from being mobilized in Iraq. These soldiers were all senior noncommissioned officers. They had demobilized and were back at their civilian jobs. They asked for a couple days off to visit the offices of Alabama's congressional delegation. They

had several messages for me. The first message was: We have to win this battle.

The group truly believes the contribution their unit had made in the war effort was measurable and positive. One of the guardsmen had been wounded in an IED attack early in the deployment. Thankfully, he was not seriously wounded and he returned to duty. He noted that by the end of the deployment, IEDs were no longer a threat in his area of operation. The message was simply their service had made a difference.

Another message to me was: We cannot afford to lose this fight by simply giving up. I didn't make up that phrase—that a precipitous withdrawal is equivalent to giving up. That is what four veterans of Iraq told me they perceived we were considering doing. They urged us not to do it. Certainly, Iraq cannot be another United States in a short time, they told us. But it can become self-governing and self-sufficient.

The group further stated it may be necessary for us to modify our objectives in this fight, but please don't quit. The senior NCOs finished by telling us they had at least one child, or spouse, on active duty or serving as a reservist or Guard member. This was a testimony—a form of saying to me they and their families believed in what they were doing, even if it meant they have to go back to Iraq again. After making this statement, they were quite polite. They thanked my team for the time they had with us and the few minutes they had to be heard. They came all the way up here to share that.

I say that because I am not hearing the kind of talk from the people who are in Iraq serving our country now that I am hearing from the politicians in Congress. I am not hearing that.

What about Jeff Emanuel, a former special operations veteran of Iraqi Freedom? He wrote an article in the Washington Times recently. He talked about the situation we find ourselves in today. The title of the article is: ''Iraqis show courage. Can Congress do the same?''

My colleague from Massachusetts, I think, was a bit too dismissive of the challenges faced by the Iraqi military police and the Iraqi leaders. They have a very difficult challenge, I admit that. I certainly admit that. I think this Nation cannot pour resources into Iraq if we reach the decision it cannot be successful. We will have to extricate ourselves no matter what.

But I have to tell you I don't see it that way right now. This is what Mr. Emanuel said:

> . . . Iraqis in many locations have shown amazing courage, not only by providing an ever-increasing amount of information on insurgent activity to coalition forces, but also by working to rebuild what the insurgents have destroyed, as well as by putting their lives on the line to drive terrorists out of their own villages. They do this despite the fact that they do not know whether they will wake up the next day to find that the coalition—currently their best source of protection—has succumbed to the calls from home (which are heard here by civilians and terrorists alike) to leave Iraq, and has abandoned them.

So they are hearing the talk here. It creates instability and uncertainty for those who want to stand with us and help them to prevail and create a good and decent government in Iraq, if they think we may flee the country the next day. Mr. Emanuel says:

> In April and May of this year, and again from the beginning of August through the present, I have been embedded [him personally] in some of the most kinetic combat zones in Iraq, observing General Petraeus's strategy from the ground level in several different locations, and have seen clear evidence of the strategy's effects on the situation there.
>
> I have personally observed clinics in which coalition medics and doctors provided villagers with a level of care that has long been unheard of in the country.

He goes on to say this is still a broken and unstable country. That I do not doubt. Yet progress is inarguably being made, he said. He goes on to note this:

> A successful counterinsurgency is one thing, with a timeline which is measured not in months, but in years. However, to wage a successful counterinsurgency and then to build a stable, autonomous and secure state, which we can leave behind without risking its imminent collapse, is another matter altogether.

He went on to note we must not break faith with those who have stood with us and made their commitment.

We all are concerned about the situation in Iraq. The people I talk to—the military people I talk to see us as having a realistic possibility of helping to establish a decent government in Iraq—maybe not the kind of democracy we would like to have seen but something that can work, be a bulwark against an aggressive Iran and be a bulwark in a hostile base against al-Qaida and the terrorists there, who could be an ally to the United States. We have allies in the region. We have a base in Qatar, Bahrain, and we have strong allies in Kuwait and other places in the Middle East. We continue to have those and we will continue to do so. But there is a danger, without a doubt, about an expansive Iran and its leadership who seem to be disconnected from reality in many different ways. Iran's President Ahmadi-Nejad declared a few days ago that U.S. political influence was collapsing rapidly and said Tehran was ready to help fill the power vacuum. He said:

> Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill that gap.

That is from the Philadelphia Inquirer of August 29. So the consequences of what we are doing are serious.

Let me address one more time a rapid precipitous withdrawal and what it means as it is contained in the Levin-Reed amendment. Imagine you are a military commander and you have 160,000 troops in Iraq. You are told you have 9 months to withdraw everything but a token force to train Iraqis and to protect your own bases and to chase individual al-Qaida members and those associated with them. We are talking about more than a brigade of 5,500 troops a month having to be pulled out. When you have an area of responsibility that has been assigned to a military brigade and you draw those down, then somebody has to assume the responsibility for that territory. How do you do that? That takes time, planning, and care. You can get in a withdrawal or a situation that costs lives and will completely destabilize any progress that has been made. The military commanders have told us it cannot be done. You cannot draw down more than a brigade a month. That is a too fast pace. Remember, it is a brigade that has an area of responsibility of interfacing with American and coalition forces all around it, plus it interfaces with local police, mayors, and tribal leaders, plus it interfaces with the Iraqi Army and Iraqi police.

All of that is part of the responsibility and the relationship that has built up. To precipitously pull out in 9 months all these forces and draw them back to only a few bases and give them a limited responsibility, is a huge, reckless idea that can only result in chaos, confusion and unnecessary death and will destabilize Iraq, destabilize the region perhaps, and cost more lives.

Why don't we listen to what our fabulous general, General Petraeus, has said? He said: I understand we need to draw down these troops. I plan to draw down troops in Iraq. That is certainly my goal.

I will say what I have said many times. The surge was a bitter pill for me. I had certainly hoped that in 2006 we would be drawing down troops, not having to increase troop levels. But that is what we voted to do in this Congress by an 80-to-14 vote. We funded that surge, and now we are getting a report on it.

He said: I have had success by reducing violence in Baghdad and in the country. I am not going to replace a Marine unit that will be departing within a few weeks. That will reduce the numbers. I will bring a brigade home before Christmas and that will be another 5,000-plus personnel. I will continue to draw down next year according to my plan through the summer, and I believe I can achieve a 30,000 troop reduction by next summer.

He said: In March, I will report to the Congress again, and I will tell you what further reductions we can achieve, and I hope to be able to announce further reductions.

That is the kind of withdrawal that is consistent with our ultimate goal, to create a stable and decent Iraq in which the Iraqi Army and the Iraqi police can assume more and more responsibility.

To me, the stakes are so high, the challenges and threats so great that we ought not be driven by polling data. We ought to ask ourselves: What is right for America? What is right for our soldiers? If they are pulled out and this country falls because we acted recklessly, there are going to be more morale problems than we can imagine in the United States military. There are going to be some angry people. They are going to be very disappointed in the Congress. They put their necks on the line because we asked them to. They lost friends and have wounded friends in this conflict, and then we up and jump away and undermine all that effort. It is not going to be pleasant, either.

I say to my colleagues, I understand the purpose of this amendment. It wants reduction in forces. It wants to see us less engaged in the actual military operations in Iraq. We want to see more of that done by the Iraqi Army, the Iraqi police, and that is what General Petraeus wants. He has a plan to achieve that goal. This is a general who has written a manual for the Department of Defense on how to defeat an insurgency, a counterinsurgency manual. Let's give him that opportunity. He is making progress so far. Let's do our duty and watch.

We are not bound by everything General Petraeus says. We are not bound by everything President Bush says. Yes, we are an independent body. We have individual responsibilities to make up our own minds. But if we do this, let's do it right. Let's don't be flip-flopping around. That is not worthy of a great nation. We cannot send troops in one day and jerk them out the next. Let's follow through in this difficult period and see if we can achieve that realistic chance of success that all 20 members of the Jones commission reported they believe is possible and as General Petraeus has told us he believes is possible. I believe it is the right thing for America to reject the Levin-Reed amendment.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:15 a.m. tomorrow.

Thereupon, the Senate, at 8:37 p.m., adjourned until Friday, September 21, 2007, at 9:15 a.m.

NOMINATIONS

Executive Nominations received by the Senate:

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JULIA A. STEWART, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PAUL S. CUSHMAN, OF FLORIDA

DEPARTMENT OF STATE

JESSICA LYNN ADAMS, OF OHIO
GREGORY DAVID AURIT, OF NEVADA
MARK J. BOSSE, OF CALIFORNIA
ROBERTA R. BURNS, OF NEW YORK
LYDIA BETH BUTTS, OF TEXAS
LISA ARUNEE BUZENAS, OF THE DISTRICT OF COLUMBIA
DANIEL C. CALLAHAN, OF VIRGINIA
THOMAS L. CARD, OF VIRGINIA
MICHAEL CARNEY, OF GEORGIA
MARY KAROL CLINE, OF THE DISTRICT OF COLUMBIA
MARC S. COOK, OF THE DISTRICT OF COLUMBIA
MICHAEL ALBERT DASCHBACH, OF ARIZONA
THOMAS R. DE BOR, OF PENNSYLVANIA
KRISTEN FRESONKE, OF NEW YORK
LAWRENCE H. GEMMELL, OF MAINE
LEWIS GITTER, OF PENNSYLVANIA
KRISTOFOR E. GRAF, OF TEXAS
SEAN S. GREENLEY, OF SOUTH CAROLINA
MICHAEL WILLIAM HALE, OF VIRGINIA
PAUL ALLEN HINSHAW, OF MISSISSIPPI
A. DIANE HOLCOMBE, OF MARYLAND
RICHARD B. JOHNS, OF VIRGINIA
STEVE M. KENOYER, OF CALIFORNIA
RICHARD MORRIS, OF COLORADO
ANDREA JANE PARSONS, OF THE DISTRICT OF COLUMBIA
MIRANDA A. RINALDI, OF THE DISTRICT OF COLUMBIA
AMY E. ROTH, OF LOUISIANA
ERIK MARTINAS RYAN, OF ARKANSAS
DENISE SHEN, OF VIRGINIA
JOAN RENEE SINCLAIR, OF CALIFORNIA
DIANA MARIA SITT, OF CALIFORNIA
ELIZABETH A. SUNDAY, OF PENNSYLVANIA
MARY C. THOMPSON, OF TEXAS
LAURA A. TILL, OF COLORADO
MIRIAM ELISE TOKUMASU, OF WASHINGTON
NYREE TRIPPTREE, OF GEORGIA
CHRISTOPHER VAN BEBBER, OF CALIFORNIA
ANGELO RAYE VENTLING, OF NEW YORK
VAIDA VIDUGIRIS, OF NEW YORK
ZEBULUN Q WEEKS, OF NEVADA
DIANE WHITTEN, OF NEBRASKA
BRANDON L. WILSON, OF VIRGINIA
DEBORAH WINTERS, OF THE DISTRICT OF COLUMBIA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SAMUEL T. HELLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS J. KEATING, 0000