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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 24, 2007, at 12:30 p.m.

Senate

FRIDAY, SEPTEMBER 21, 2007

The Senate met at 9:15 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

God of all nations, Lord of all people, thank You for a land where we can believe that our rights and freedom come from You. We praise You for Your gifts of life, liberty, and dreams, and for those who make daily sacrifices for freedom. Forgive us when we fail to live up to our high heritage, and infuse us with a grace that transforms us into instruments of Your purposes.

Empower our Senators to protect and guard the foundations of our liberty so that America will bless the world. When our lawmakers are weary, replenish their spirits with the inspiration of Your presence, and never forsake them in their hour of need. Bellow the flickering embers of their hearts until they are white-hot again with the fires of patriotism, vision, service, and hope.

As many people prepare for Yom Kippur, we thank You for Your atoning sacrifice that purchased our freedom.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE 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 21, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of the Defense Department authorization measure and conclude debate on the Levin-Reed amendment. Debate time until 9:50 this morning is equally divided and controlled between Senators LEVIN and MCCAIN. The two leaders will control the time between 9:50 and 10 a.m., with myself controlling the last 5 minutes, the vote occurring at 10 a.m. At 10 a.m., that will be the only vote to occur today.

I very much appreciate the cooperation of all Senators, Democrats and Republicans, that we worked out our problems on Monday so that we can vote on the very long-standing issue. We should have done it, but we didn't, but I am glad we are doing it now—the WRDA bill. It is bipartisan; Senators BOXER and INHOFE worked on it very hard. We are going to finish this Monday night. There will be work done on the Defense authorization bill on Monday. People can come and offer amendments, debate measures—whatever the managers feel is appropriate. Hopefully we can clear some amendments on that occasion.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. 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.

Levin/Reed amendment No. 2898 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Kyl/Lieberman amendment No. 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:50 a.m. will be equally divided between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

Who yields time?

Mr. LEVIN. 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.

Mr. LEVIN. 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. LEVIN. I also ask unanimous consent that the time of the quorum be equally divided and that apply retroactively.

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

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank my colleague, Senator LEVIN, for yielding time and also for being the principal author of the Levin-Reed amendment, the amendment we are considering today. There will be a vote shortly. The amendment recognizes that we have responsibilities in Iraq, but it also recognizes the constraints we face in Iraq.

The first principal constraint is a lack of sufficient forces to maintain the current force level there. That alone must drive a change in mission for our military forces in Iraq. But it also recognizes the fundamental dynamic in Iraq, which is a political dynamic. It is a political dynamic that must be achieved, not by the United States but by Iraqi political leaders. When the President announced the surge in January, he made it very clear that the whole purpose was to provide these leaders with the political space and the climate to make tough decisions. Frankly, those decisions have not been made.

What we have gained on the ground has been tactical momentum. Any time you insert the greatest Army and Marine Corps and Air Force and Navy in the world into a situation, you are going to make progress—and we have. But the real question there is, Will that progress last when we inevitably begin to draw our forces down, as General Petraeus has announced? I think most people would suggest probably not.

So we are left with the reality on the ground and the reality here at home—waning support for a policy that the American people believe is misguided and has been incompetently executed by the administration. We have to change the mission, and the core of the Levin-Reed amendment is to change that mission, to go away from an open-ended ''we will do anything you want, Mr. Maliki, even if you don't do anything we want'' to focused counterterrorism, training Iraqi security forces, and protecting our forces. It also recognizes that we have to have a timeframe in which to do those things.

I am encouraged and I think all should be encouraged that a year ago when we started talking about initiating withdrawal of forces from Iraq, that was an item which was not only hotly debated on the floor but severely criticized.

General Petraeus has told us he will propose and will probably implement a withdrawal of forces before the end of this year. That is part 1 of the Levin-Reed approach. The second is to begin a transition to these missions, and we hope that can be accomplished in a very short period of time. Finally, we would like to see these missions fully vetted, fully set out and implemented on the ground, moving away from the open-ended approach within a fixed period of time. This approach, together with a very aggressive diplomatic approach, we believe is the key to contributing not just to the stability of Iraq but to the long-term interests of the United States in the region and the world.

I hope we are able to agree to this amendment, to pick up support. We have listened to General Petraeus. Frankly, he has in part agreed with us, in terms of beginning withdrawal. He has suggested, but not definitively, that some transition sometime down the road must take place. But I think—surprisingly to me, at least—when asked what should we do in the next year, he essentially said: I can't tell you until next March, and then I will tell you. We have to have a plan, a strategy for this country that certainly goes beyond next March. The world and our strategic interests will not start and stop in March. They are continuous, they are challenging, and we have to face the best course of action going forward. We believe—I believe strongly—this is the best course of action.

This war in Iraq has cost billions of dollars. More profoundly and more fundamentally, it has taken the lives of over 3,700 American service men and women. It has injured countless. I think the American public is genuinely not only concerned but in a literal sense heartbroken about what is going on. They are asking us—indeed, demanding of us—if the President is unwilling to act, that we act to change the course, to provide a strategy and a policy that is consistent with our interests, with our resources, and with our ideals that will help us move forward.

I hope in the next several minutes as this vote comes to the floor that the message of the American people will be heard and heeded and that we will adopt the Levin-Reed amendment.

I yield my time.

Mr. LEVIN. I suggest the absence of a quorum and equally divide the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

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

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

There is a lot of disagreement about Iraq policy, how we got into the quagmire we are in there, the failure to plan properly, the disbanding of the Iraqi Army, the lack of a plan for the aftermath and a number of other issues which have been the subject of great debate.

There is a consensus on a number of issues. It is that consensus which drives the Levin-Reed amendment. There is a consensus that we have an important stake in a stable and independent Iraq. Everyone agrees on that. The opponents of this amendment like to suggest that somehow or other the proponents are not interested in a stable and independent Iraq. It is exactly the opposite. We are as interested in that as are the opponents.

The question is, Are we moving in that direction? Is the current policy working or do we need to change course? Do we need to find a way to put pressure on the Iraqi leaders to reach political settlement as the only hope of achieving an independent and stable Iraq?

That is not the proponents of this amendment who are saying a political settlement is not the only hope of ending the violence and achieving stability, that is not just the proponents, that is a consensus point. General Petraeus acknowledges that very openly. The Iraq Study Group says that. General Jones and his group say that.

There is no solution that ends the violence that is not based on a political coming together of the Iraqi leaders. They have to accept responsibility for their own country. They have to meet the benchmarks they themselves have set for themselves. They have missed those benchmarks and the timelines that were set out by themselves for those benchmarks.

We have to change course because we have been through now longer than we fought World War II, we have been there longer than we fought the Korean

war, we have spent half a trillion dollars or more, we have lost almost 4,000 of our brightest and bravest men and women, seven times that many wounded, $10 billion a month.

We have to change the dynamic in Iraq, and that dynamic can only be changed when those Iraqi leaders realize the open-ended commitment is over. If we simply say, as the President says: Well, we will take another look in March, we will see what direction we are going to go in March, whether we are going to reduce our presence below the presurge level, but we will do that in March, that is a continuation of the message which this administration has been delivering to the Iraqi leaders year after year: We are going to be patient. We are going to be patient. The President has, a dozen times, said the American people need to be patient.

It is the opposite message that has a chance of working for the Iraqi leaders, that we are mighty inpatient here in America, with the dawdling of the political leaders in Iraq, who are the only ones who can achieve a political settlement. We cannot impose that on them, only they can reach it.

If they keep thinking we are not going to put the pressure on them, we are going to be their security blanket, we are going to protect them in the Green Zone, we are going to continue to lose our lives and squander our resources while they dawdle, they are making the major fundamental mistake which is going to keep the violence going.

We have to correct that. We have to change that. We have to force those leaders to accept the responsibility for their own country.

Now, the Iraq Study Group pointed to the relationship between putting pressure on the Iraqi leaders and having them reach an agreement. This is what the Iraq Study Group pointed out now almost a year ago: That an open-ended commitment of American forces would not provide the Iraqi Government the incentive it needs—the incentive it needs—to take the political actions that give Iraq the best chance of quelling sectarian violence.

I yield myself 1 additional minute. In the absence of such an incentive, the Iraq Study Group said, the Iraqi Government might continue to delay taking those actions.

That is the connection this amendment makes. What Levin-Reed says is: We are not going to withdraw precipitously, we are not going to totally withdraw, we have interests there that require us to keep some troops there. But we have the need to change that mission.

The President talks about the possibility, but he does not do it now. He does not say: we are announcing we are going to change our mission to a support mission, out of the middle of a civil war. We are going to change our mission to supporting our own people. We are going to change our mission to going after terrorists, a targeted counterterrorism mission, we are going to change our mission so that we are going to, yes, continue to support the Iraqi Army, to supply the Iraqi Army, but we are getting out of the middle of a sectarian battle for our sake and for the sake of the Iraqi people, to force those leaders to take responsibility for their own nation.

So it is not precipitous. We provide a reasonable timeline. We say the troops that need to be withdrawn as part of that transition to those new missions will be withdrawn within 9 months.

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

I yield the floor.

Mr. GRAHAM. Mr. President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. GRAHAM. Mr. President, I yield 5 minutes to Senator INHOFE from Oklahoma.

Mr. INHOFE. Mr. President, I think we need to be real clear what we are talking about. What we are talking about is telling the enemy what we are going to do. If there is one thing they have said, our military has said we cannot do, is to leave precipitously and let them know when we are going to do it. But that is what we are talking about.

You know, when General Petraeus came a couple of weeks ago, I knew exactly what he was going to say because I was over there—I have been over there actually 15 times in the AOR of Iraq, not always in Iraq, sometimes Afghanistan, Djibouti and all of that.

But I have watched very carefully, from time to time when I have been there, what progress has been made. I was in shock the last two trips we took. The last two trips, it was so evident in that one area, starting with Anbar, where most of the problems were. And I was in Anbar Province, in Fallujah, during all the elections that took place, and it was chaos up there. We remember our marines going door to door World War II style and all the things that were going on there. It is now totally secure. It is not secure under us, it is secure under the Iraqi security forces.

We remember only a year ago the terrorists said Ramadi was going to be the terrorist capital of world. It is now secure. All of the way through down there, south of Baghdad, the same thing is happening.

What has happened with this surge are three different things: No. 1, the surge itself. That is more people. No. 2, we had General Petraeus going in. No. 3, they did get the message from some of these surrender and cut-and-run resolutions that there was the threat that we would pull out, and, consequently, the Iraqi security forces have done things they have never done before.

I learned something when I was over there, and that was it is not the political leaders, it is the religious leaders who are calling the shots. Our intelligence goes to all the weekly mosque meetings. Prior to the surge, 85 percent of the mosque meetings were anti-American messages. Since the surge, since April, there hasn't been one.

So this is the kind of progress that is being made. We now have volunteers going out there with spray cans, putting circles around the undetonated IEDs, doing this on their own, risking their own lives to help Americans.

We have this imbedded program, where they actually go in joint security stations and live with the Iraqis. It is something that has been very successful in developing close relationships. So this is the kind of success we are having.

I was up in Tikrit the other day. Remember, that is Saddam Hussein's hometown. Even up there, in that home territory up there, with the exception of Diyala, it all looks real good. That is the bottom line. We have success.

If we pass something now that tells them, in a period of time you can expect us to leave, and this is what we are going to do, we are giving them our playbook. If you look and see what some of our top leaders have said about that, General Petraeus said: We cannot leave without jeopardying the gains we have started to achieve.

Those are the gains I talked about. Secretary Gates said: If we were to withdraw, leaving Iraq in chaos, al-Qaida most certainly would use Anbar Province as another base from which to plan operations.

This is the type of thing we would be doing. I cannot imagine anyone would vote for any type of amendment that would tell the enemy specifically what we were going to do and when we were going to do it.

Ambassador Crocker says: I cannot guarantee success in Iraq. I do believe, as I have described, it is attainable. I am certain that abandoning or drastically curtailing our efforts will bring failure, and the consequences of such failure must be clearly understood by us all.

What are those consequences? It would be a vacuum. We have heard loudly and clearly from such people as President Ahmadi-Nejad who said:

> I can tell you there will be a power vacuum in the region. [This is if we leave precipitously.] We are ready with other regional countries such as Saudi Arabia, and the people of Iraq to fill that vacuum.

In other words, we leave, Iran comes in, al-Qaida comes in, all the advances, all the sacrifices, all the lives that have been lost will have been lost in vain.

I cannot imagine anyone would vote for this amendment. I encourage my fellow Senators to oppose it.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 7 minutes 10 seconds.

Mr. GRAHAM. Mr. President, this has been a very spirited and meaningful debate. The amendment that has

been offered by two people I respect greatly. I do not question their motives about loving our country anymore than I do. They are trying to find out what is best for Iraq and a very difficult situation. We have an honest disagreement.

I think it has been a very healthy debate of reaching the same goal; that is, a successful outcome in Iraq. But make no mistake about it, from my point of view, the reason I oppose this resolution, it is a change in military strategy.

Senator REED talked about similarities between what General Petraeus said and what this resolution would do. There are some similarities, but it is a fundamental change in military strategy. After General Petraeus testified, is that wise for us to do that? Is it wise for the Congress to basically take operational control of this war from General Petraeus?

Because that is what this resolution would do, it restructures our forces in a way he did not recommend. It would be a very overt rejection of General Petraeus's leadership, his strategy, his vision, and his recommendations. I think we need to understand that would be the consequence of passing this resolution.

It would be saying, respectfully, no to General Petraeus and yes to the Congress in terms of how to run a war. I think that is not wise. It is the de facto return to the old strategy. For 3½ years, we had the strategy on the ground in Iraq that did not produce results that were beneficial.

I am a military lawyer, and I have no expertise about how to invade a country or manage a population once the invasion is over. But I can tell you this based on common sense and 3½ years of experience. The old strategy was not working. The first trip to Baghdad after the fall of the capital, you were able to move around, it was a bit chaotic, but you were able to go downtown and do some things you have a hard time even doing today.

But by the third trip to Baghdad after the fall, we were in a security environment, almost in a tank. So it was clear to me, training the Iraqi troops, having a small military footprint, was not achieving the security we needed for reconciliation. And the few ''deadenders'' were the most resilient people in the world. If the insurgency was in its last throes, it was a deep throe.

Every time I asked the people coming back who were running the old strategy and testifying to Congress, what is the general number of insurgents, about 5,000 hard-core insurgents. It is the most resilient 5,000 in the world. They were able, certainly, to do a lot of havoc. Thank goodness we changed strategies.

Senators LEVIN and REED and others have been arguing for a very long time to change course and change strategies. The President heard that call. He sat down with military leaders and put a new commander in the field. We have, in fact, changed strategies. What did we do? We went a different way. Instead of withdrawing troops and doing more of the same, we added troops. As Senator INHOFE said, it is the best thing we have done. These additional 30,000 combat troops being interjected into the battlefield have paid off in security gains we have never seen before.

Hats off to the surge. To those who are part of the surge, those who have been in Iraq for a very long time, I acknowledge and respect your success because the success has been undeniable. The challenges are also undeniable. But without the surge, there would have been no turnaround in Anbar. The people in Anbar had had enough of al-Qaida. We can't take credit for that. Al-Qaida overplayed its hand, and we had additional combat power in place to take advantage of a population that was ready to make a choice, a choice for the good. Their rejection of al-Qaida is not national political reconciliation, it is not embracing democracy. But it is good news because you have Sunni Arabs rejecting the al-Qaida agenda, and that is great news.

This resolution not only is a rejection of General Petraeus's strategy, his vision for how to be successful, it has an impractical effect. The rules of engagement one would have to draft around implementing this strategy are almost impossible from my point of view. Just to train and fight al-Qaida, how do you do that, when you have all kinds of enemies running around Iraq, including Iran, including sectarian violence? The idea that we are going to change missions and adopt this resolution as a new mission and have such a limited military ability is unwise and impractical.

It is a dangerous precedent for the Congress to set to withdraw from a military commander who has been successful the power to implement a strategy that has proven to be successful.

The basic premise of the resolution is, if we change strategies, reject General Petraeus and go to the old strategy, which is, in essence, what we would be doing, it would bring about better reconciliation. My fundamental belief is that we will never have political reconciliation until we have better security. The new strategy, the surge, has brought about better security than we have ever had before in Iraq. Even though it is still a very dangerous place, there is no evidence to suggest that reconciliation would be enhanced by rejecting Petraeus and adopting the Congress's plan for Iraq. Quite the opposite. I think all of the evidence we have before us is that a smaller military footprint, when you are training and fighting behind walls, empowers the enemy. If we adopted this resolution, the security gains we have achieved would be lost. We would be abandoning people who have come forward to help us. We wouldn't have the military power to seize the momentum that has been gained from the surge. We would actually roll back the momentum that has been gained. We would put people at risk who have come forward to help us. For example, 12,000 people have joined the police force in Anbar in 2007. In 2006, only 1,000 people joined the police in Anbar. There is local reconciliation going on. There is a realization by the Iraqi people that now is the time to step forward. Their politicians are lagging behind the local population, but it will not be long before Baghdad understands that they have to reconcile their country through the political process. They will only do that with better security.

When you reach across the aisle in America, you can pay a heavy price in terms of your political future. When you reach across the aisle in Baghdad, your family can be killed. Better security will breed more political reconciliation, not less. To abandon this strategy now, to substitute the Congress's judgment for General Petraeus's judgment, is ill-advised and unwarranted. Quite frankly, General Petraeus and the troops serving under him deserve our support and our respect, and they have earned the ability to carry on their mission. They have earned, based on success on the battlefield, the right to move forward as they deem to be militarily sound.

The Congress is at 11 percent. Part of the reason we are at 11 percent is that we don't seem to be able to come together and solve hard problems. Why do we believe we have a better insight into how to win this war than a battlefield commander who has produced results never known before? I don't think we do.

I will end this debate in a respectful manner. We have the same goal, and that is to bring about political reconciliation and success in Iraq. Unfortunately, this goes backwards at a time when we need to go forward.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DURBIN. Mr. President, today I am necessarily absent to attend a funeral, and therefore will miss rollcall vote No. 346 on the Levin-Reed amendment to provide for a reduction and transition of U.S. forces in Iraq. As a cosponsor of this amendment, had I been present, I would have voted ''yea.''●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, I support passage of the Levin-Reed amendment and a new course of action in Iraq.

This amendment makes three significant and important changes in our involvement in Iraq that to this point the administration has been unwilling to make, even though the American people have been demanding change for over a year.

First, it removes our troops from the civil war they are now policing and gives them three achievable missions:

to conduct targeted counterterrorism operations against al-Qaida and affiliated terrorist organizations; to train and equip Iraqi Security Forces; and, to provide security for U.S. personnel and infrastructure.

Second, the amendment calls for the safe redeployment of those troops not required for these three missions beginning in 3 months and to be completed within 9 months of this bill's passage.

And finally this amendment acknowledges what we have known all along that there is no military solution to this conflict. It calls for the implementation of a comprehensive diplomatic, political, and economic strategy to jump start the process of reconciliation and stability. This strategy would include sustained engagement with Iraq's neighbors and the international community and the appointment of an international mediator in Iraq under the United Nations Security Council. The mediator would have the authority to engage the political, religious, ethnic, and tribal leaders in a political process that aims to avoid no one wants—regional civil war.

For nearly 5 years, our troops have done everything asked of them. It is time for Iraqis to provide the security for their own country. I urge adoption of the Levin-Reed amendment.●

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 9:50 and 10 a.m. will be equally divided between the two leaders or their designees, with the majority leader or his designee controlling the final 5 minutes.

Mr. MCCAIN. Mr. President, with this vote, the Senate faces, once 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 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. After nearly 4 years of mismanaged war, the situation on the ground in Iraq shows demonstrable signs of progress. Understanding 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—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

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, LTG Ray Odierno, said yesterday that the 7-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level 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 insurgent control. Today, he said, ''only five to six districts can be called hot areas.'' Anyone who has traveled recently to Anbar, or Diyala, or Baghdad, can see the improvements that have taken place over the past months. With violence down, commerce has risen and the 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.

No one can guarantee success or be certain about its prospects. We can be sure, however, that should the United States 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 us make no mistake 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—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

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 safehavens 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 wider regional war and riddled with terrorist safehavens.

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 catalogue of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and the sacrifice of those Americans, who despite the mistakes and failures of both civilian and military leaders, shouldered a rifle and risked everything—everything—so that 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 our mission, for we do not fight only for the interests of Iraqis, Mr. President, we fight for ours as well.

In this moment of serious peril for America, we must all of us remember to who and what we owe our first allegiance—to the security of the American people and to the ideals upon which we our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of this great and good Nation before our own, and helped, in our own small way, preserve for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.

Mr. GRAHAM. Mr. President, I don't believe Senator MCCONNELL is coming.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is morning here in Washington. It is dusk in Baghdad. As we debate this war yet again at home, another day draws to a close for our troops in Iraq. Tonight they will sleep on foreign sand. Tomorrow they will draw yet again from an endless well of courage to face another day of war. Some will likely die. Many will surely be wounded. They will face hatred they did not create and violence they cannot resolve.

One soldier described the average day as ''being ordered into houses without knowing what was behind strangers' doors . . . walking along roadsides fearing the next step could trigger lethal explosives.''

The soldier who told that story tragically took his own life while on his second deployment. His name was PFC Travis Virgadamo of Las Vegas. Travis was 19 years old when he took his life.

As our troops rise in the morning, so will millions of innocent Iraqi citizens. Today thousands of Iraqis will abandon their homes and neighborhoods to flee as refugees to Iran, Jordan, Syria, and other countries. Those Iraqis who remain will face what has become the daily norm of life in Iraq—water shortages, no electricity, the constant threat of violence, and, as we learned today, cholera, an ancient disease that has now hit the ancient land of Iraq. Remember, 1.2 million Iraqis have been killed since our military invasion. Our 160,000 or 170,000 courageous troops and those innocent Iraqi men, women, and children will wake on the 1,646th day of this war, 1,646 days and nights of war. I repeat, 1.2 million Iraqis have been killed since our military invasion.

Here in Washington, DC, we have a choice to make minutes from now. If we reject this amendment before us, this war will rage on and on, with no end in sight. Our troops will remain caught in the crossfire of another country's civil war. Our Armed Forces will continue to be strained to the breaking point. But there is a choice. There can be light at the end of this long, dark tunnel. If we stand together and adopt this amendment, today can be known as the first day of the end of this war, the first day Congress fulfills its constitutional duty to have a plan to bring our soldiers and marines home. We can begin to return our troops to safety and give them the hero's welcome that has been earned and so long in coming. We can refocus our efforts on reaching the political solution that all experts, even the President's own generals, agree must be achieved. And we can return our focus to the grave and growing threat we face from Osama bin Laden and his al-Qaida network, and others, who have the will and capability to do us harm.

I stand today with my colleagues, Senators LEVIN and REED, in support of this amendment. This is a terrific piece of legislation, legislation that recognizes the duties of this separate and equal branch of Government, the legislative branch. I am grateful for the few Republicans who have shown the courage to join us in a quest to end suffering, sorrow, and terror. Countless words, reams of paper, and so much ink have been spent on the Iraq debate in the Senate and in the country. So let me add this morning that this amendment is a reasonable and responsible way forward. This amendment sets a binding path well within our constitutional authority and without compromising our national security interests. This vote will come down to a question of courage and wisdom.

President John Kennedy said:

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 human morality.

In just a few hours it will be sundown, beginning the holiest day of the year for those of the Jewish faith, Yom Kippur. Reflecting on that, one needs only to look at the Old Testament, the book of Job, where Job asks: ''But where shall wisdom be found?''

I say wisdom lies with the American people, a strong majority of Democrats, Republicans, and Independents who so oppose this war. I hope wisdom is found on the Senate floor today as well; that we follow the wishes, the demands, the hopes, and the prayers of the American people. When our grandchildren and generations to come study this war and this Government, I pray they will be able to say this was a turning point in a war that has cost us so much. I ask my Republican colleagues for the courage and wisdom to join the American people and bring our troops home. Courage and wisdom demands that we do such.

I ask unanimous consent to start the vote. We will make sure that everyone has ample time to vote. We will vote as if it started at 10.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2898.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT) would have voted ''nay.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 346 Leg.]

YEAS—47

Akaka	Hagel	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Obama
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

NAYS—47

Alexander	DeMint	McCain
Allard	Dodd	McConnell
Barrasso	Dole	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Pryor
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NOT VOTING—6

Bennett	Domenici	Lott
Boxer	Durbin	Sanders

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 47. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

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

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, I note 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. LEVIN. 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. LEVIN. Mr. President, Senator MCCAIN and I have had discussions with our leader, and I assume on their side, and this course of action has been cleared. Here is what we are proposing to do: The Biden amendment is going to be laid down today. There will be perhaps an hour or so on that amendment—perhaps more; there is no time limit on debate today. There will be no more votes today, as the leaders announced. But on Monday, we will make an effort—let me go back. On Tuesday at 10 o'clock, we are going to have a unanimous consent agreement that the Biden amendment will be voted on at 10 o'clock on Tuesday. That is going to be part of a unanimous consent agreement that is being prepared.

In addition, in terms of the Lieberman-Kyl amendment, there will be some debate on that today, and on Monday, and we will make an effort to see if we can't agree on a time certain on Tuesday, after the Biden amendment is disposed of on Tuesday. But we can't commit to that now. We will make a good-faith effort on Monday to set up that time on Tuesday, after the Biden amendment is disposed of.

Mr. REID. Mr. President, I think we are headed in the right direction. We may have to drag that vote—not drag it but set it for 10:15. We usually don't come in on Tuesdays until 10 o'clock, so would 10:15 be OK?

Mr. BIDEN. I know this is unusual. Mr. President, if we could start that at

10 and we didn't drag it, it would be better.

Mr. REID. I would say to my friend, on Tuesdays we don't come into session until 10 o'clock. There are meetings going on in the Capitol and people can't be here until 10, but we could set the vote for shortly thereafter, 10 after or something like that, but it takes a little while.

Mr. BIDEN. OK. That is not a very senatorial response, but OK.

Mr. MCCAIN. Mr. President, could I say I thank Senator LEVIN, Senator REID, and Senator BIDEN. Senator LIEBERMAN and Senator KYL will be discussing their amendment, which is a very important amendment concerning Iran so that everybody will have a good idea, and they will be discussing it again on Monday—or debating it. I would hope, as the distinguished chairman has said, that we could probably vote on the Kyl-Lieberman amendment very shortly after the vote on the Biden amendment, yet we are unable to put that in concrete. There may be a side by side, there may not be.

I wish to remind my colleagues again, if I could, this is the 13th day of debate now, and we have had 79 hours of debate on this bill. The Wounded Warriors legislation is still waiting, the pay raise, so many other things that are vital to, I believe, the men and women who are serving and the security of this Nation. What I hope—and I know Senator LEVIN who is managing this bill would agree—is that once we finish the Iraq issue, we should be able to move through the other amendments rather quickly. We are obviously running out of time. The first of October is upon us. So I hope we can finish the Iraq amendments as quickly as possible and move on to the 100 or so amendments we have on the bill itself. I thank the chairman for all of the cooperation and hard work he has done on this bill.

Mr. LEVIN. Mr. President, I agree with my good friend from Arizona on the need to move forward. We have literally hundreds of amendments we are working on. At some point next week we are going to have to find a way to end this. We have made efforts with unanimous consent proposals to cut off on amendments, but they have been objected to, and then more flood in. We have to get to an end point.

However, in reference to the Wounded Warriors legislation, there is a separate bill on which I think appointing conferees has been cleared on this side. I am wondering if the Senator from Arizona might check with his side to see whether the appointment of conferees could be cleared. I think it will be part of this bill at the end. It is important that we move this bill for a lot of reasons, including that one.

But we have a fallback. We have a safety valve. We also have a separate bill which we would like to get to conference, and if the ranking member could check on the Republican side and see if we can get the clearance for the appointment of conferees, it may give us some momentum.

Mr. MCCAIN. Mr. President, I thank the chairman. I agree. I will make every effort to do that. I am confident that no one on this side would object. It has to be done. Everyplace I go, I hear concern and the continued outrage about the situation that existed at Walter Reed, and the American people are not confident that we have taken the necessary measures to provide for the care of our veterans.

I yield the floor.

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

Mr. BIDEN. Mr. President, before I send an amendment to the desk, I do not want to in any way disagree with anything that was said but expand on it slightly. There is a Biden-Brownback amendment. Senator BROWNBACK is a major sponsor of this amendment, and I will yield to him in a moment because he has a difficult scheduling dilemma. I will let him go first. I also want to make it clear that Senators BOXER, KERRY, SPECTER, probably HUTCHISON, and others are going to want to speak to this amendment.

I am assuming that on Monday this will still be the pending business and that we will be able to continue to discuss and debate this issue, so Senators have time. This is an important weekend in the Jewish faith, so a lot of people are not here. But I assume, notwithstanding the fact that we are going to vote shortly after we convene on Tuesday morning, that we will have an opportunity to speak to this on Monday as well.

Now, today I will offer an amendment to the Defense authorization bill concerning U.S. policy in Iraq. As I said, I am joined by a bipartisan group of colleagues, including Senators BROWNBACK, BOXER, SPECTER, KERRY, and, I believe, Senator HUTCHISON. Our amendment says it should be the policy of the United States to support a political settlement in Iraq based on the principles of federalism. I have much more to say about this. Again, I thank my friend from Kansas who has been a major proponent of this approach for some time. We joined forces together months ago. He has a very tight schedule, so he will speak first. I see Senator HUTCHISON standing also.

Mrs. HUTCHISON. Mr. President, I just ask the Senator, if he will yield briefly, is it possible that I may make a 2-minute statement after Senator BROWNBACK, and then I will come back on Monday as well?

Mr. BIDEN. Possibly, Senator BROWNBACK would let the Senator from Texas proceed for 2 minutes now.

Mr. BROWNBACK. Yes, I will yield to the Senator from Texas before I speak.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, thank you. Monday, I will make longer comments. I am a cosponsor of this amendment. I have said for a long time it is my belief that if we could allow the sectors of Iraq to have their own semiautonomous government, like is now in the northern part with the Kurds—and the southern part is mostly Shia—I think we could really begin to see economic stability, as well as political stability.

Of course, we all know we should have oil revenue that would go to all of the people of Iraq, fairly allocated. But I think we have seen in Bosnia a lessening of tensions when there is a capability for the security forces, the educational and the religious sects to have their own ability to govern within themselves. If we can get economic stability, which is largely untalked about in the United States, I think that would bring the political stability along.

So I commend Senator BIDEN. I have written on this as well. Senator BROWNBACK and I have talked about this in many forums. It is important that we look at not only the great success we are having, which General Petraeus reported on, we are stabilizing the country on the security side. We are keeping our commitments. We are going to be able to do it with fewer Americans and bring the Iraqi troops forward, but it will not stabilize Iraq. We must have economic and political security. So I thank the chairman, and I thank Senator BROWNBACK. I will speak again Monday. It is the most important sense of the Senate that we can have on this bill. Thank you.

AMENDMENT NO. 2997 TO AMENDMENT NO. 2011

Mr. BIDEN. Mr. President, I call up amendment No. 2997.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [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, proposes an amendment number 2997.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress on federalism in Iraq)

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.

Mr. BIDEN. Mr. President, I yield to my friend from Kansas, Senator BROWNBACK.

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

Mr. BROWNBACK. Mr. President, I thank my colleague for that, for this amendment, and for his insight and prophetic view of what is really taking place. Senator BIDEN has mentioned for over a year that the likely outcome in Iraq is going to be a federalism model where you have most of your power in the states—the Kurdish north, the Sunni west, the Shia south, and Baghdad as the federal city.

I think we have had, hopefully now, enough debate about the military situation in Iraq. It is an important one, but we have not had much, if any, discussion about the political situation in Iraq. Last week, all the focus was on General Petraeus, and there was another individual who testified, Ambassador Crocker. General Petraeus talked about the military situation, and Ambassador Crocker talked about the political situation.

Regarding the military situation, I think we have seen incredible progress by the dedicated men and women in uniform, but we have seen little to no political progress. This discussion is about a ''political surge.'' We have had the military surge. It is moving forward and getting things done and stabilizing. All it can do is provide space for a political solution. It cannot put forward a solution that will last. You have to have that politically. So what we are going to talk about with this resolution is a political surge. Those are not my words; they are Thomas Friedman's. I think it is apt and its timing is right. I urge my colleagues to look at this resolution and support what this is—that we need a political surge, and we need to recognize the demographics on the ground.

This resolution simply calls for the following things: A conference where Iraqis reach a political settlement based on federalism; in effect, an agreement on new and already constitutionally recognized federal regions. This doesn't require a change in the Iraqi Constitution. It is already there. They allow the Kurdish north as a state. This would be allowing other states within Iraq.

No. 2, it calls on the international community to respect the results of that conference and to support federalism in Iraq, which is a concept we are very familiar with in the United States. I think that is really the key for it to work in Iraq.

No. 3, it calls on the Iraqi Government to resolve the issue of distributing oil revenues, which is crucial to any federal solution in Iraq. It is the oil that will keep the whole place together.

I show my colleagues a map that I think is kind of interesting. It is a map of Iraq under the Ottoman Empire. It is prior to the World War I divisions in Iraq. I think we ought to study history to keep from repeating past mistakes. I think we are repeating history now because we have not studied it sufficiently. So here is a map from 1914. This is fascinating. You have the north Ottoman, which were called vilayets. This is in the State of Mosul, the Kurdish north. You had the vilayet of Baghdad, the Sunni area in Iraq. You had the vilayet of Basra, the Shia State. Baghdad was the federal city—a very effective city at that particular time.

As much as a third of the population there was Jewish at that point in time. Those were the governing bodies within this region. The Ottoman Empire was concerned about whether the Basra region and the Shia there would stay with them or go with the Persians at that time. It is a similar discussion we are hearing today.

My reason for saying this is, if you can put it in a certain term, this is natural in Iraq. Instead of us trying to force together a country under Shia domination—and under the current setup all you are ever going to get is a Shia government, but it is going to be a weak one because the Kurds are not going to agree with a strong Shia government, nor are the Sunnis. All you can ever get is a weak Shia government that has a lot of question marks in it from the Sunnis. They don't trust the Shia, and the Shia don't trust the Sunnis. The Sunnis think they ought to run the whole country, as they have for the past century. They think the Sunnis are going to come back.

I was in Iraq in January. I went to the north, and I was in Baghdad. The Kurds are prospering, stable, growing, and investment is taking place. I will show you a map later of people moving from Baghdad to the northern portion because it is stable. I was meeting with the Sunni and Shia leaders in Baghdad. The Shia said: We could get this solved if it wasn't for the Sunni. The Sunni leaders would say: We could get this solved if it wasn't for the Shia. The Shia leaders were saying: We could get this solved if it wasn't for the Sunnis.

I submit to this body that we have a flawed political design that we are pushing currently in Baghdad. That is why we have not seen the political progress that we need to see taking place. We have done the military surge, which has been successful. Now we need a political surge. We need to send in a Jim Baker or a Condoleezza Rice to get these people in a room to cut the deal to get different states, where you have the power mostly residing in the states. Right now, in the Kurdish north, they run their own military, their own police, and they are stable. So you allow that and you even encourage that to take place. It is in the Iraqi

Constitution to allow that. That is how the Kurds got their region in the first place. That is a political design that can lead to political stability on the ground so that we can pull our troops back.

This amendment says nothing about the troops. We have debated that a long time—the military side. This is all about the political side where we have failed to see the progress. But it does say, if we can get that political solution, we should push it forward. I submit that on the military side, if we can get some political stability in Iraq, we can start to pull our troops back from patrolling.

Ultimately, I think you are going to see long-term U.S. military bases in the north, probably in the west, and around Baghdad. But they can be bases where we can operate without our people being killed every day. As everybody in this body knows, we are still in South Korea 60 years after that conflict. We are still in Bosnia 15 years after that conflict. We can stay—and we usually do stay—in a place a long period of time to provide stability, as long as our people are not getting killed. Here is the design where you can stay for a long period of time—because I believe we will need to stay for a long time—without our men and women being killed. It reflects a demographic reality on the ground and the historic reality on the ground. It also recognizes that Iraq needs to have a strong state, weak federal form of government to reflect the different groups. Iraq, in many respects, is less a country than it is three groups held together by exterior forces. The Turks don't want the Kurds to be a separate country in the north. The Kurds already voted 90 percent that they want to have a separate country, but they are not pushing it today because they know they cannot do it at this point. So they are willing to stay within this situation.

The Sunnis believe they should run Iraq, but they are less than 20 percent of the population. That is not going to happen. The Shia lack a comfort that they can control the country, but they are certainly dominant in a particular region.

I wish to show an ancient map of this very same situation to give an another flavor and context. Of course, under the Ottomans, it was called Mesopotamia during that period of time. Again, here is a three-state solution that the Ottoman Empire put in place as a way of managing these different groups who do not agree with one another, who do not get along.

One can say: Wait a minute, there is a lot of intermarrying, there are a lot of Sunni-Shia relations that are taking place and have taken place over the years of being together as one country. You are trying to go back rather than go forward.

I wish to show a map of the former Yugoslavia right after Tito left and before some of the civil wars started in Yugoslavia because I think it is instructive. Here is a map of the ethnic composition before the war in 1991. It is an ethnic map that shows where the Croats, the Bosnians, and the Serbs were in this area in 1991. The reason I point this out is, I was in this country in 1991. I was there the week after the Slovenians voted to secede from the rest of Yugoslavia. I was in a conference with groups from all over the country. I couldn't tell the difference between the various ethnic groups.

When I would look, I couldn't tell if this person was a Croat or a Serb or a Macedonian, this, that. I couldn't tell the difference. It made no sense to me. These guys had been in a country together for decades. Why wouldn't they stay together? They knew the differences. They knew what happened. They knew the history. They had intermarried to where they had different ethnic groups who were married into the same families and spread, splotched all over the country. There were concentrations in different places, but over a period of, I think, 70 years, under a hard dictatorial rule, under Tito, with a tough military and a tough intelligence apparatus, if someone got out of control, they were dead or in jail—similar to Saddam Hussein in Iraq, who ran roughshod and people intermingled.

Then we started to see political leadership come forward and say: We Serbs have been mistreated by this group and you know what they did to us a century ago and you know what they did to us in this war and you know what they did to us 500 years ago, and we shouldn't be treated that way. We had a leader come up that hit this visceral inside note and started a bunch of wars, to where they sorted themselves out.

This is what happens after you get a group of leaders standing up and saying they shouldn't treat the Croats this way, they shouldn't treat the Serbs this way. We can see the purity of the map—Bosnians, Serbs, Croats—and by 1995—this is the Dayton peace accords—you can see what takes place after that. That leader touched that visceral note about this is who we are and they shouldn't treat us that way and there were a bunch of people killed in the process as well.

Finally, there was enough fighting and we got a political surge in the Dayton accords and made the leaders come together. We drew a line, Bosnia-Herzegovina, in the Dayton peace agreement. We still have troops in this area enforcing this accord, but they are not fighting and killing each other. There are still problems that take place. But this was a two-state solution in one country, with the United States pushing a political surge to take place and the United States still having troops there to make sure people do not get out of line.

I went to Sarajevo when it started to stabilize. The place was still shell-shocked about what had taken place. People were still saying: We used to live in peace; what happened here? What happened was somebody pushed the ethnic button and it worked, and it works in too many places in the world, and it works in Iraq, unfortunately.

I wish to show a chart of what happened in Baghdad on ethnic splits and the movements taking place in Baghdad. This is a military chart. It is too busy of a chart, and there are some who dispute some of the movements. I am willing to grant them that there may be others with a slightly different factual variation.

Basically, the Tigris River is in the middle. We see the Sunnis moving and purifying west of the Tigris River and the Shia moving and purifying east of the Tigris River. These diagonal lines show communities that are going more Shia and the diagonal lines in the opposite direction are communities going more Sunni, and we see small ethnic groups, small Christian populations who are either going into smaller, tighter communities or going north into the Kurdish region of the country.

This is happening now. This is what is happening now. We have heard about the death squads, threats, and families forced to move taking place in Baghdad. When a number of leaders push the ethnic sectarian button, it hits this inside visceral note. It is a strange concept to us as Americans. They come from everywhere, and we say: Can't you guys get along? Believe me, this is a reality in the world, and it is a big reality in Iraq, particularly in a place that is more three groups than it is one country.

I wish to give a caveat. The New York Times on Monday questioned the purity of this information, saying there are some Shia moving into Sunni areas and there are some Sunni moving into Shia areas, and I am willing to give that taking place. These are the megatrends that are happening, and I don't think there is any question about it.

There has been a lot of death, killing with this taking place. It is the same with Bosnia-Herzegovina. What I am saying is rather than having a whole bunch of people get killed from this point forward, why don't we recognize the demographic realities on the ground and put this in a series of states where the ethnic group is running it and stop the killing or certainly reduce it substantially. That is what this amendment calls for.

I wish to show my colleagues some of the maps of current Iraq, to give an idea. I have shown the Ottoman Empire maps. This is modern Iraq, as far as the populations are going. We have the Sunni Kurds in the north. Again, this is the most stable, growing area. When I was there, there were cranes and building and investment taking place. It is moving forward. We have the Sunni area in the west and the Shia area in the south. There are areas of Sunni Arab and Shia Arab. There is a mix of Shia-Sunni with Baghdad in the

center. Again, we have three blocs who have pretty much split up. This is modern Iraq.

This is not a perfect solution by any means. As an American, I look at it as a subpar solution altogether because I think they would be much better off if they could get along and form one country and operate it as one country without having to give decentralization so much of the power.

The problem is it does not reflect the realities on the ground. The problem is, too—think about Ambassador Crocker's testimony, think about the GAO report on political progress and the benchmarks that the Congress set. Think about those because militarily—I think ''militarily'' we have done a great job and that is where all the focus is. But politically we are not getting it done because we are trying to put a square peg in a round hole. It doesn't work. We can push a long time on it and we can get some artificial setting to take place and we can enforce it with our military power, but as soon as we pull back, then we are going to have the same problems taking place in the region. This amendment recognizes we should put a round peg in a round hole, and it is something we can do.

There was a gentleman who said something to me years ago that stuck with me: If you see a straight-line border in the Middle East or Africa, you ought to raise a question as to whether it reflects demographic reality.

In the past, when different groups went into a region, whether the Ottomans, the British, the French, or others, they were trying to balance interests. They were trying to balance Hutus versus Tutsis. They were trying to balance previously the Armenians and Azerbaijanis. So they were always trying to get a balance of power because they didn't have enough troops to maintain the country, but if it kept these guys off center and not after each other, they could maintain the country.

When you pull the colonial power off or when you pull the dictator off who is ruthlessness, who is willing to use military and to use his intelligence operation to kill people, when you pull that off, what are you left with? You are left with these same groups, and they still don't like each other. That is why we have to look at it this way.

Look at Sudan today. I can give another example: The north Arab Muslims with a radicalized government started by Osama bin Laden. The south is Black, primarily Christian—long conflict, 20 years of civil war, millions killed. Finally, the Bush administration, to their credit, was able to negotiate a Sudan peace agreement, and the southern Sudanese will vote whether to secede. I believe they will in large numbers. It will pass big, and there will be a second Sudan.

We now have a second genocide in Darfur. I have been to many of these places. I have worked with many of these people. The west is Black Muslim. The capital is Arab Muslim. They don't get along. One is a group of herders and another is a group of farmers—farmers and ranchers not getting along. I think we are going to see ultimately that Darfur will break away.

Sudan is the biggest country in Africa landmasswise, but when the Brits put it together, they put several groups together who don't agree with each other and don't get along and the Government favors one. They favor the herders in Darfur; the jingaweit, the Arab Muslims. They are trying to drive the farmers off the land, and they are in their second genocide, with 400,000 people killed, because somebody, again, hit the ethnic-sectarian button, and it is very effective. One can motivate a lot of people by hitting that button.

Why do we have to kill all the people to get to a political solution? Why do so many people have to die? It is past time—the military discussion has been a good discussion, but it is time for us to look at the political situation in Iraq and get on a model that can actually produce long-term stability so we can pull our military back into bases. We are going to need to be there for a long period of time. This resolution does nothing on the military side, but I think we are going to need to be there for some period of time. We need to be in the north to assure the Turks that the Kurds are not going to try to separate into a separate country, and I think we need to be there to protect the Kurds from Iran, and somewhat from the Turks, and the Sunnis will ask us for a long-term military presence in the west to protect them from the Shia. I think the Saudis are going to push for that to take place.

Again, Iraq is a lot more three groups held together by exterior forces than it is a country. But that is the reality. The Shia area has to sort out who is going to be the leaders in that country, and they are fighting amongst themselves. It may be more than three states. It may be a couple of Shia states will evolve. We shouldn't stop that from taking place if that is the natural reality.

We can fight against these things in nature or we can recognize them and try to build political systems around them. This resolution urges us to build the political solutions around them.

Again, the political surge, led by Jim Baker, of stature, or Condoleezza Rice—cut the deal, get us into a political solution that can produce the benchmarks we want so we can pull our troops back and stop getting killed.

I urge my colleagues to look at this amendment. I urge my colleagues to look at the history of what we are dealing with. There are many papers that have been written on this issue. O'Hanlon is one of the lead authors on it who got back recently. This is something that can work, can make progress and move us forward.

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

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

The bill clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, as my friend from Kansas leaves, let me just thank him for his leadership here and his insight. I think he and I would agree that this is forming critical mass. Every once in a while in American politics, on a major issue, there is an idea that transcends both sides of this aisle and transcends from the experts to the average people because there is a commonsense ingredient to it as well as a deeper insightful notion of how that part of the world works. This is one of those issues.

I just wanted to say I am honored to be joined by Senator BROWNBACK in this effort because he and I both have other agendas in terms of our political careers, but I think we both agree getting this right is more important than who is President of the United States of America. This is about life and death and about whether we are going to have a generation of difficulty for America in that part of the world or whether we are going to be able to ultimately leave and not leave chaos behind.

So I thank my friend for doing what I am sure was not an easy thing to do as a Presidential candidate on the Republican side—to join with a Democrat to move what at the time we moved it was still a very controversial idea.

Mr. BROWNBACK. Mr. President, if my colleague will yield, I wish to thank my colleague also for working on this and for leading when it was a lonely battle. He was talking about this over a year ago, and I was hearing him saying it and thinking, he is probably right, but that is not the way we are headed. And it probably doesn't help him, running for President, to be associated with me, and it doesn't particularly help me, Senator BIDEN, to be associated with you. But that is exactly why the country gets mad, because they do not see us doing things like this on something that really makes sense.

I talk a lot about this on the campaign trail, running for President on the Republican side, and people look at it, and I don't think I have had even one or two people come up to me and say they disagree with it. Most people say: OK, that makes sense. And when you talk with the Sunnis and Shias and particularly with the Kurds, they all say yes, and particularly the Kurds do. The Sunnis are coming more and more around to it, and I think the Shias are recognizing it as well.

But my best successes on this floor have come when I have associated with somebody on the other side who disagrees with me on a lot of political

issues but we look at this one together and we say: This is something which can work. We did that with Senator Wellstone on human trafficking. We were as different as could be on different issues, but we got that one done, and today there are fewer people being trafficked.

This is something which can work, and I appreciate my colleague for leading on it, and I really hope the rest of the body can look at this and say: This is where we have not seen progress, is politically, and let's get this moving forward. I am delighted at the Senator's leadership on it.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. President, I ask unanimous consent that following my remarks, Senator LUGAR be recognized for up to 30 minutes and that Senator KENNEDY then be recognized to speak as in morning business.

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

Mr. BIDEN. Mr. President, to alert my colleagues, I will take somewhere between 20 and 30 minutes to speak on this issue this morning, and I will speak on it again prior to our finally voting on it on Tuesday.

Look, as I said, I have been a Senator since I was 29 years old. I have been here for seven Presidents, and I have observed that sometimes, on issues relating to national crises, whether it be domestic or foreign, events conspire to generate the kind of support for an idea that when it was first offered had few adherents. I think we are approaching that now.

The amendment Senators BROWNBACK, BOXER, SPECTER, KERRY, and I, as well as Senator HUTCHISON and others have says that U.S. policy should support a political settlement in Iraq based on the principles of federalism. Look, for all the division in Washington and across the country over the policy in Iraq, one thing just about everyone accepts, literally—left, right, center, the President, the Congress, the American people, and the so-called experts—is that there is no military solution in Iraq. Let me say that again. There is no military solution in Iraq.

I, along with Senator MCCAIN—in fact, shortly after the war began—said that I thought it was foolish to start this war. But once we started it, I thought: My Lord, we should have more American forces there. I argued for up to 100,000 more American forces in the first year so things would not get out of hand. I argued we needed 5,900 Gendarme paramilitary police from the international community. The Europeans were prepared to participate to literally restore order—make sure people didn't run the traffic lights or break into museums or engage in thuggery and robbery and crimes of ordinary violence, having nothing to do with sectarian divides. But we have passed that point.

To paraphrase General Petraeus, although he doesn't seem to be as adherent to his original comment, and he was paraphrasing someone else—I believe it was 3 or 4 years ago when we were in Iraq with him, and I am looking over my shoulder at my staff generally; at the time I think it was 3 years ago—he said, and I am paraphrasing, there comes a point in every liberation where it becomes an occupation. There comes a point in every liberation effort where it becomes an occupation. And we have reached that point. We reached that point 3 years ago. I argued we reached that point when we went in.

We had one brief, brief moment where, having mistakenly moved when we did, in my view, had we acted more responsibly instead of out of the arrogance and hubris that existed, we might, we might have been able to change the dynamic drastically. But that has long passed. That has long passed.

I guess the point I want to make, again, and the end result of all I am saying here is you will not find a single person who thinks that a military solution will work alone. So what we are all about here today is what everybody says: OK, there has to be a political solution, but literally, I say to you, Mr. President, up to this moment no one on the floor of the Senate has offered a political solution. I mean, it is really fundamental. There is nobody who has said: We all acknowledge there is no military solution. And by the way, I am not claiming I am the only one. I have many cosponsors. We have a lot of people now saying: OK, we acknowledge there is a need for a political solution, embedded in the notion I have been pushing for a couple of years now and in detail for the last year and a half or so with Les Gelb.

I have to recognize Les Gelb, a former administration official in a Democratic administration, in the Carter administration, the president emeritus of the New York Council on Foreign Relations, an incredibly respected voice in American foreign policy, and thought of as a genuine scholar. Les and I started off not in full agreement of what that political solution was, but we were all on the same page. The end result of all this is that the underlying premise of Les Gelb and JOE BIDEN in generating this was that the political solution we are proposing, which is what the Iraqi Constitution essentially calls for—and it is not partition—is federalism.

Well, guess what. It is not going to happen spontaneously. The Iraqis aren't going to spontaneously decide in the midst of what is now a civil war and sectarian strife that they know how to do it on their own.

So getting back to the political question, everyone says there is a need for a political solution. But that begs the question, So what is your political solution?

The critics, and there is legitimate criticism of the Biden-Gelb plan, but the critics have come along and said: I don't like your plan, BIDEN. My response has been from the outset: If you don't like mine, what is yours? Think about it. Think about, as you consider whether the Biden-Brownback plan, which is essentially taking Biden-Gelb and putting it into an amendment to the Defense authorization bill—think about what it says. We say this is our political solution. This is what we think is the way out.

So as I began this debate, my invitation to my colleagues was: I get it. You may not like all parts of it. You may not like it. You may think it is mostly correct. You may be able to legitimately point out there are weaknesses in it; things may or may not happen. I can't guarantee an outcome to this. But I would like you to think about it. If you don't like BIDEN'S proposal, what is your idea?

Up to now, a lot of us have had what we voted on just a moment ago. It started off as the Biden-Hagel-Levin amendment back in January and February. I agree with it totally. It is now Levin-Reed. I think it is a good amendment. It is essentially the same one we voted on twice before. I was the author of it, along with my friend from Michigan, the leader of the Armed Services Committee. But the truth is, it is not a political solution. It is an important tactic to reach the point we all want to reach.

And what is that? When you cut through all of this, what is it the American people, what is it all my colleagues, all 100 of us, want? No one wants to keep American forces there, with almost 3,800 dead, close to 28,000 wounded, roughly 14,000 severely wounded and who are going to require medical attention and care the rest of their lives. No one in here wants that. If we could wave a wand, there is not a single Member, from the most conservative to the most liberal in this body, who wouldn't take every troop out if they could, tomorrow. We don't want our kids going. I don't want my son going, my daughter going. I don't want my grandkids going, either.

What is recognized underneath all of this is there is a clear understanding that even though most of us on this side of the aisle opposed what the President did and how he did it, there is a recognition that it matters what we leave behind. It matters a whole bunch. It matters for our grandchildren. It matters for our children.

Look, folks, there is an overwhelming desire. I live with a woman I adore. We have been married for 30 years. She is unalterably opposed to this war. She, like every mother, lives in fear that her son, who is a captain in the Army, is going to be sent over, which is probable. So her fervent wish every time I go home is: JOE, get them out of there. Get them out of there. You are chairman of the Foreign Relations Committee; get them out of there. Well, the truth is, the vast majority of the people know that getting

out of this is almost as difficult as the problems the President caused by getting us into it.

I know I am speaking colloquially here. I am not speaking in senatorial tones. But this is basic stuff.

My two staff members sitting to my left—and I admire the devil out of them—have accompanied me on eight trips to Iraq. The last time coming home, we were all supposed to get on an aircraft, but only one of them did, a C–130 that was supposed to take us home. Ambassador Crocker asked whether I would fly to Germany with him on his way home. He was coming to testify. He thought it would give us a chance to talk. And so I did. Actually, I flew out of Iraq into Kuwait with him to catch a commercial flight. The C–130 cargo plane I was supposed to get on—we got word there were six fallen angels on that plane. Six fallen angels.

That is what these tough, courageous, brave, hard Marines, Army, Navy, some of whom are there, et cetera, Air Force, call a dead American soldier whose body is coming home. They call them fallen angels.

You see these guys also who you know have been shot at and shot back, injured and injured others—it is such an emotional phase, to hear them talk in hushed tones, to treat every one of those coffins that gets put on board the C–130—every one of which comes through my State in Dover, Delaware—to hear these people, these fighting men and women, treat every single solitary death with the reverence it deserves. The American people would be stunned. They would be proud. They would be sad and they would be concerned. So they put six fallen angels on a plane.

The President of the United States a couple of days later—and I was there 2 weeks ago—a week ago—went on television and told the American people what great military progress we are making. But what he said was: I have no plan to end this war. I have no plan to win this war. I have a plan, as one of the press people said—it is not my line—he said: The American people are using the American forces as a cork in the bottle to keep the venom from spreading out beyond the borders in a regional war.

I am not prepared to use my son and his generation as a cork in a bottle. The American people are not prepared to do that either.

So what do we do? What do we do? Do we cut off funding? Talk about a hollow reed. How do you do that? How do you cut off funding for the 166,000 troops? Even if we ordered everyone home tomorrow, they have to get out of that country. Do you not provide them with the mine-resistant vehicles that can increase their life expectancy, when hit with a roadside bomb, by 80 percent? Do you not provide them with that? Do we cut that off? I don't know how you do that.

Some things are worth losing elections over. I am not going to do that. So what do you do? Do you draw down troops on an orderly basis while you are protecting them? Yes. But where does that get you at the end of the day?

The good news is they are out. There are fewer fallen angels. But the bad news is how many angels will fall in the next 10 years or 15 years, if this war metastasizes into the region. Because, ironically, the President's policy, which is dead wrong, has one truism about it: Chaos in Iraq will have regional consequences. The irony is, it is his policy that is causing the chaos.

Getting back to the point of the amendment, so everybody understands the context in which this is being offered, it is being offered to say: Look, there is a way to do all of this. There is a way to reduce the number of fallen angels. There is a way to reduce the injuries and casualties. There is a way to reduce the number of deaths among the Iraqis. There is a way to keep this war from metastasizing. There is a way that we have, a last chance we have, to leave and not run the risk of having to send my grandson back. My grandson is a toddler.

We have been faced in this body with two false arguments. One is more of the same and it will get better, and the other is leave and hope for the best.

Again, I get back to the central premise to what I have been proposing. There is a need for a political rationale. What is the political rationale supposed to accomplish? It is a way—nothing is going to get better. We must leave, by the way. Come hell or high water, we must leave. But are we going to leave giving the Iraqis a chance that they can end up with a political agreement among themselves? For what purpose is the political agreement? To stop the civil war. That is it in a nutshell. Anybody who denies this is a sectarian war I think is denying reality.

The President—as my mother would say, God love him—keeps talking about al-Qaida. Al-Qaida is a problem. I would argue it is a Bush-fulfilling prophecy, al-Qaida in Iraq. But there is even in the military—as my good friend—and I admire the devil out of him, my friend from Virginia—as he points out, he knows when you go to Iraq, the military refers to al-Qaida of Mesopotamia; al-Qaida in Iraq. They are making a distinction by that, between al-Qaida in Iraq and al-Qaida in Afghanistan, al-Qaida in Pakistan. As I said to the President in one of my trips back, in a debriefing—which my friend knows we do. The President has us down and has his war cabinet and asks us—you know, we give our view.

He was telling me about freedom being on the march. I said: With all due respect, Mr. President, if every single solitary jihadi in the world were killed tomorrow—I said if the Lord Almighty came down and sat at the middle of this table—we were in the Roosevelt Room—and looked at you and said, Mr. President, I guarantee there is not one single al-Qaida person living in the world, Mr. President, you still have a massive war on your hands. You have a massive war on your hands.

I see my friend from Virginia is standing. I will be happy to yield to him.

Mr. WARNER. Mr. President, as I have looked back on my years here, one of the chapters I have enjoyed the most is the debates we have had together, and this is not in the nature of a debate, Mr. President, but I do ask the Senator who now—in your current capacity and your long experience in foreign relations, you probably have a better grip than most of us as to the likelihood—and you mentioned it—of the political reconciliation taking place in Iraq. I am talking about the top down, not the smaller, but little things that happened in Al Anbar—which are very positive, but I don't think you can grow political reconciliation all the way from the bottom up. It has to come from the top down.

Our good friend here, Senator LEVIN, and I were there in Iraq a few weeks ago and we could not find any basis for projecting when that might come to pass. That is the very thing that underpins the entire policy we are pursuing. Because we all acknowledge a military solution is not there. It has to be a political reconciliation from the top down—albeit to get some form of unity government—maybe an adaptation of what the Senator is now advocating. But what is the Senator's projection of the likelihood of that occurring?

Mr. BIDEN. I will be happy to respond because my friend, as usual, gets to the crux of the issue.

Here is the way I look at it. I will try to break these things out. My friend Senator LUGAR, whom I think is the most informed man in the Congress on foreign policy, is used to my colloquial ways of expressing things so he will probably understand me better than most because he had to deal with me for 30 years-plus. I try to devolve this, to use a Washington word, into sort of big chunks. You basically have two options here.

No. 1, do you continue with a policy that was well intended by our Government, the President, the administration, of attempting to establish a strong central democratic government in Baghdad that in fact has the capacity to gain the faith and trust of the Sunni, Shia, and Kurds so that they will entrust to that central government their well-being, in terms of security, in terms of economic growth, and in terms of political reconciliation or do you have to reach a point that I have reached, and reached some time ago, of recognizing that is a bridge too far; that the only way in which you will be able to stop the warring factions from killing each other is essentially give them some breathing room under their federal Constitution which says—I am quoting from their Constitution: The Republic of Iraq is a single, independent, federal state.

What I look back to, I say to my friend from Virginia, is this can't be

built up from the village up. I acknowledge the requirement that the leaders of the Sunnis and the Shia and the Kurds—and there are multiple claimants to that leadership; I know my friend knows that—those claimants have to conclude their self-interest is better realized in a federal system. The Kurds have clearly recognized that. The Kurds made it clear when Senator HAGEL and I got smuggled into Irbil, back before the war began, that they weren't in on any deal that wasn't a federal system giving them pretty significant autonomy.

The Shia have now reached that conclusion themselves, with notable exceptions—Sadr being one of them. But, for example, the Vice President—the Shia Vice President of the, for lack of a phrase I will call the central government the existing government—is totally supportive of what I am proposing and he said so publicly and said so at this conference in Ramadi which I attended a few weeks ago.

The Sunnis up to now have been the odd folks out because they look at it, as my friend clearly knows, and they say: Look, we live in this place called Anbar Province, the majority of us. We don't have much out here but rock and shale. There is not much else out here. All the oil is in the north and all the oil is in the south and if you have regional governments and the oil is controlled by the north and the south, we don't get anything.

But here is what has happened. There is a bit of, as we Catholics say, an epiphany occurring. I will tell my friend in confidence who it is but I don't want to publicly—he is an Iraqi leader who is one of the leading Sunni leaders in the country, who used the following quote with me in the 4 hours we were together in Ramadi.

He said—I am paraphrasing the first part—I initially disagreed with your plan. Now I am quoting.

There has been a struggle I have had between my heart and my head. My heart has told me up to now that we Sunnis could play a major role in governing this country again, from the center. My head tells me that will not happen anytime soon and our fate lies in a regional system. But we need access to resources.

He said:

But don't quote me yet, Senator, because I have to work on my fellow tribal leaders out here, and others.

Look what is happening with the Turks. The Turks initially were absolutely opposed to this. But as they have begun to figure it out, they realize that if we continue on the path we are on, American patience with keeping the cork in the bottle is not going to be sustained for the next 2 years and that when we leave, absent a political settlement, there will be not a splitting of Iraq into three parts, there will be a fracture of Iraq into multiple parts. But guess what they figured out. Kurdistan will become a de facto independent country. They will be able to say in Kurdistan: Hey, we didn't do this. There was nobody to deal with. And they have all of a sudden begun to understand that it is bad enough, from the Turkish standpoint to have a quasi-independent—and it is not even that—region called Kurdistan, within defined borders of a country called Iraq; it is a very different thing to have a quasi-independent Kurdistan, when you have 4 million Kurds sitting in their eastern mountains.

So all of a sudden they are figuring this out. ''Figuring out'' sounds derogatory, and I do not mean it that way. They are looking at their alternatives and saying: OK, a federal system in an Iraq that is united is a whole lot better than a de facto independent state.

The Iranians. The Iranians have a dilemma. The Iranians have at least five major militia forces among the Shia of Iraq. Some they like, some they do not like. As my friend from Indiana knows, you have a group down around Basra, as the British are pulling out, who are organized pretty well.

As the British two-star said to me: They are like Mafia dons waiting for us to leave to see who claims the territory—who actually argued that Basra should be an independent country because they have access to the gulf, they have oil, and they have four provinces they can put together.

Well, guess what. That is not very well regarded by the Badr Brigade, folks, and Sadr is going: Whoa, whoa, wait a minute.

So this creates a dilemma. The splintering of Iraq creates a dilemma for even the Iranians who do not want to do us any favors at all. The generic point I am making is, as time has passed, and I will use Bosnia as an example, when we first started off talking about what, in essence, became of the Dayton Peace Accords, you did not have any takers. And it only got to the point where you had the Croats and the Serbs concluding they could not dominate. They could not control Bosnia-Herzegovina.

That is when they all began to think, you know, the blood and treasure that was—exceedingly what has happened, once they got to the point where they realized the gun was not going to get their solution, they became, very reluctantly, but they became much more acclimated to the notion of what the Dayton Peace Accords did.

The bottom line is, asking me that question a year ago, I would not have said to you that internally the leaders among the Shia, the Kurds, and the Sunnis will be more inclined to accept this, but they are because reality has set in. The Kurds have figured out they cannot and do not want to be totally independent because the Turks will take them out.

The Shia have figured out, generically, the leadership, that they may have 62 percent of the population or thereabouts and control the political apparatus, but they cannot stop their mosques from being blown up. They cannot physically control the country. And the Sunnis have figured out that they are not going to run the country again in the near term. So it is a little bit like coming face to face with the reality of one circumstance.

As I said at the outset to my friend, a lot of this relates to people arriving at this conclusion, even in Iraq, by default. The Sunnis would much rather dominate the country again. The Shia would much rather keep the Sunnis out, as Maliki in his heart would like to do, but he cannot because he cannot control them.

The Kurds would love to be independent totally but for the fact that they understand it may be their very demise. So reality is sinking in. The larger point, I say to my friend from Virginia is this: The dilemma I hear, and I hear it from my Democratic colleagues, I imagine I will hear it from some of my Republican colleagues, and it is legitimate. They say: BIDEN, we cannot force a political solution any more than we can force a military solution.

Well, I would argue that it is true we have lost our credibility to be able to do what I believe we could have done 5 years ago or 4 years ago. But that is why part of this amendment calls for internationalizing the political solution.

I know my friend from Indiana believes, whether it is the same objective, that there is an overwhelming necessity to engage major powers in the world, to engage regional powers so that, as he says, there are fora; every single day they are sitting down rubbing shoulders trying to figure out an accommodation.

It cannot be done in the abstract. It cannot be done by President LUGAR sitting in the White House dealing with Maliki sitting in Baghdad. It cannot be done by bringing in the regional players in Sharm El Sheikh, with us convening it and thinking that will get it done. It requires something heavier, deeper, more substantial because one of the things that will get people's attention, that will get the attention of the Sunni leaders and Shia leaders and Kurdish leaders, the international community led by the major five powers, is if the Security Council says: Hey, look, we are gathering up the team—Iran, Turkey, Saudi Arabia, et cetera, et cetera—and here is what we think your constitution says, and this is what we are prepared to support.

What that does, that not only has implied sticks, it has significant carrots. Significant carrots. That organizational structure can say: We, from the outset, will be the guarantors that none of the regional powers will conclude they must be involved militarily or in a disruptive fashion because the truth is, what I try to do is think of myself as, OK, I am a real bad guy, Iranian leader who hates the United States.

What benefits me the most? What benefits me the most is occupying 10 of our 12 divisions in Iraq posing no

threat to them, seeing American blood and treasure spilled. But what I do not want to see is America, notwithstanding all of the bravado of Ahmadinejad, that: We will fill the vacuum; we, the Iranians, will fill the vacuum. That is not a vacuum they are looking to fill. If they could fill it, they would. But their ability to fill that vacuum is marginal at best. Their influence is degraded when there is continuing sectarian violence. It diminishes in the context of an international settlement.

So the truth is, it requires the national leadership to agree on a regional solution. A national leadership will be unable, in the lifetime of any one of us on this floor, to agree to a central solution; a unity government from the capital city of Baghdad, having military and police authority over the entire country.

Can anyone imagine the possibility, even the possibility, that you will see a Shia-dominated police force patrolling in Fallujah? As the old joke goes, raise your hand if there is a remote possibility of that.

Already you cannot send into what is now Kurdistan, three governments, you are not even allowed to fly the Iraqi flag without permission. You cannot send the Iraqi Army there without their permission. You cannot send any national police force there without their permission.

So what makes us think there is anything—let me make an analogy for you. When Washington accepted the surrender documents signed by Cornwallis at the end of our Revolutionary War, I say to my friends from Virginia and Massachusetts, what chance do you think there would have been if we had to vote within 6 months on the Constitution that was ratified in Philadelphia?

Do you think Massachusetts and Virginia would be in the same country? I respectfully suggest, from a historical standpoint, you would not be. So what did we do? We did what I am proposing. You essentially set up Articles of Confederation.

You said: We are going to let Massachusetts and Delaware, the first State, Massachusetts, and Delaware and New Jersey and Virginia, have considerable autonomy. There was no President. There was a Continental Congress, a decentralized federal system.

It took us 13 years to get to our Philadelphia moment. Wherein does the arrogance emanate from that we think by putting 160,000 troops in Iraq, we can, over a 4-year period, in a country that was made by the stroke of a diplomat's pen, where France and Britain divided up the spoils of the Ottoman Empire, what makes us think that we can expect them to do something that we were unable to do? So, folks, this is pretty basic stuff. I know everybody knows that. I am beginning to sound like I am lecturing. I do not mean to do that. This is pretty simplistic in a sense; it is not rocket science.

Mr. WARNER. If I can interrupt my good friend, the central issue is, we are losing, as you pointed out, our greatest national treasure: our youth, killed and wounded. How much longer? You are talking about indefinite periods of time. What do we do now by which to give a greater measure of protection to them while this process that you indicated is very slow can evolve, and what pressures are we going to put on the greater international community, the top five, to do what you have defined?

Mr. BIDEN. I say to my friend: Ask. Let me give you an example. I will be concrete. It is like pushing an open door. I asked for a meeting, I say to my friend, in the tradition of Senator LUGAR when he was chairman of the Foreign Relations Committee.

I asked for a meeting, a private meeting with the Permanent Five of the Security Council, who, as my good friend knows, is: China, Russia, England, France, and the United States.

All five of those Ambassadors, including our own, Khalilzad, agreed to meet with me and two other members of the Foreign Relations Committee privately 5 weeks ago—on Monday I think it was 5 weeks ago. We sat in a conference room overlooking the East River for about an hour and a half.

I asked the question to all five, including our Ambassador. I said: What would you do, gentlemen—one lady; the British Ambassador is a woman. I said: What would you do, gentleman and lady, if the President of the United States asked each of your countries to participate in convening an international conference on Iraq?

One of the Ambassadors—since this was a private meeting I will not name him—said: Senator, I would ask your President: What took you so long to ask?

Then I can refer to the French Ambassador. The French Ambassador pointed out that there is an inevitability of us leaving. And if, in fact, we leave a shattered Iraq, his country is in trouble. Remember, last August we were reading about automobiles being torched from Marseilles to Normandy. Why? Over head scarves. Between 10 and 14 percent of the French population is Muslim. The last thing the French need is a radicalized, cannibalized Iraq. It went on from there.

My point is, the President—I promise you—has not asked. He has not asked. I think my friend from Indiana knows, at least indirectly—because Ambassador Khalilzad, I believe, spoke to him; he was there with me—there is a consensus among many in the administration to ask, but there is still this overwhelming reluctance that we don't need anybody's help; we can do it. Let me tell you, that is a vanity which is a burden, a significant burden.

There are three things we should be doing immediately. And I know we have a disagreement on this, in my view, redefining the mission of Americans who are there being killed and wounded. We are not going to settle this civil war by remaining on the faultlines. It is not going to happen. Even to totally quell it, you know—as a military expert, I defer to you—we don't have enough troops with the surge. If you have 500,000 troops, you could sit on the faultlines. It wouldn't solve the problem, but you could send it underground. But we don't. I wouldn't even advise it if we did because there is no underlying political rationale.

My point is, redefine the mission. Were I President today, which is a presumptuous thing to say, I would be doing exactly what General Jones recommended. I would be pulling back to the borders. I would be dealing with force protection. I would be focusing on al-Qaida of Mesopotamia. I would be focusing on training Iraqi forces. I would not be focused on going door to door in Sunni or Shia neighborhoods in a city of 6.2 million people. I would not have an American convoy traveling the streets with roadside bombs being blown up.

The second thing we need to do, but it is not required to support this amendment, there is an incentive to the world, to the region, and to the recalcitrant leadership in Baghdad to say: Hey guys, we are drawing down. For the mission I just stated—and I defer to my friend—you don't need 160,000 troops for the Jones mission, for lack of a better way of phrasing. You need closer to 50,000. Guess what. That is going to get the attention, as my friend CARL LEVIN has been saying for some time, of the Iraqis. They may have their altar call. I am not counting on it, but they may.

The third thing we should be doing is, if you look at the David Ignatius piece in the Post today, what Senator LUGAR and I and others and maybe my friend from Virginia have been talking about for 4 years—we talked about it before we went in. Who is talking to the tribal chiefs? Who is talking to the local folks? Who is engaging them? What are we finding out now? Just read the Ignatius piece. All of a sudden, it is like, my goodness, maybe we should be talking to these guys. So here is the deal. When you get to this, you say: Look, here is what your Constitution says, and here is what you voted on in your Parliament to implement articles 15, 16, 17 and 18, which allows you to become a region, essentially a state like the United States. Write your own Constitution. It can't supersede the federal one. Allow you to own your local security.

Why is it working in Anbar to the extent it is? It is working because we said: Look, we promise you, tribal leaders, nobody is going to send anyone from Baghdad for you. There ain't going to be any Kurds or Sunnis in here. You set up your own police force. Cut through all the diplomatic jargon. That is what we did. That is it. Guess what. Once we did that, the tribal sheiks whistled and said: Boys, you can join. They had 10,000 people show up

who wanted to be cops or police. Why? Because Sunnis were going to be guarding Sunnis.

So this stuff about political movement is a joke. Not a joke—that is the wrong way to say it. It is a fiction. There is nothing unity about that.

I sat next to Abdul Sattar for 2 hours, the guy who got blown up last Thursday, the tribal sheikh who led the insurrection against al-Qaida Mesopotamia, told me how safe everything was in Ramadi. They land me and my staff and the Senator from Arkansas in a Blackhawk helicopter with two Cobra gunships. We go inside the city. We are told how safe it is. I can walk down the street; that is true. We have a sandstorm. I say: No helicopters coming. Can you drive to Baghdad? No, no, no. It ain't that safe. Then 7 days later I get a call from a reporter from the Washington Post: Senator, didn't you spend a lot of time with the same tribal chief the President was with at the airbase? I said: Yes. In this safe city that he runs, with an American tank sitting in front of his house, with bodyguards, he got blown to smithereens.

The generic point I am making here is the idea that somehow we are going to be able to negotiate these faultlines is beyond our ability. But it is possible, working with Sunni, Shia, Kurd, we may be able to augment their physical security as they make this transition.

What did we do in Dayton? It is not precisely analogous, but it is analogous. There was more sectarian violence from Vlad the Impaler to Milosevic than in 5,000 years of history of what we now call Iraq. That is a fact. That is a historical fact. What did we do? As my friend from Indiana knows, I was deeply involved in pressuring President Clinton from 1993 on to take action in the Balkans. What did we finally do in Dayton in a bipartisan way? We called in Russia, the European powers. We then brought in the Serbs, Milosevic, the Croats, Tudjman—who, as my friend knows, was no box of chocolates—and Izetbegovic. We got them all in one room. We essentially locked the door. We said: Figure it out, folks.

What did they figure out? Separate the parties. Even I was a little concerned about the Republika Srpska within Bosnia. What did we do? We said: Your militia can now become your police force. That is, in essence, what we did. We said to the Croats and the Bosnians, who were Muslims: You have to coexist in this other place. This place called Sarajevo is going to be a capital city, but it ain't going to govern the whole country in the way in which the capital of Washington, DC, has influence over the rest of America.

Guess what. To truncate this, the West has had an average of roughly 20,000 troops there for 10 years. What has been the result? Knock on wood—not one has been killed, not one has been shot dead. The ethnic cleansing has stopped. What are they doing now? Attempting to amend their Constitution to become part of Europe.

I asked my staff to go back. I said: Tell me how the repatriation is going on. People are returning. Of the 2.2 million refugees in Bosnia, internal or external, 1.1 million have returned to their homes. Almost half a million have returned as minority returns, Serbs moving back into predominantly Croat neighborhoods, Croats moving back into predominantly Bosniak or Serb neighborhoods. It is painful. It takes time. But what did we do? We got them all in a room, figuratively speaking.

We have to get them in a room, Senator LUGAR. We have to get them in a room. Because let me tell you something, some in the administration privately say to me: Joe, you are right. There is an inevitability to a federal system. The difference between an inevitability and us being the catalyst to bring it about may be years. That is thousands of deaths, maybe tens of thousands, counting Iraqis and American. We don't have that time. And look, I don't want to criticize the President. I don't. God love him, I don't care whether he gets credit or blame at this point. But let me tell you one thing for certain: What Presidential leadership is about is a change in the dynamic of situations that are admittedly out of control. It requires taking risks. Thus far, the only risk we have taken is the lives of our troops. We have taken virtually no diplomatic risks.

I say to my friends, there is a reason why, although what I am proposing here is not ideal, I think there is a reason why so many people—left, right and center—have come to this conclusion. One thing about us Americans is, we have ultimately led the world as a consequence of two traits we possess, in my opinion, that exceed that of any other country. It is not just our military power; it is our idealism coupled with our pragmatism. It gets down to a very pragmatic question: If you don't like Biden et al.'s political solution, what is yours? What is yours?

The world is waiting. They are literally waiting. No one has the capacity, no group of nations has the capacity, absent our active cooperation and engagement, to do anything to better the situation. We do. The potential power is in our hands. But I respectfully suggest that we can't do it by ourselves. We have lost the credibility to do that, rightly or wrongly.

So it takes me to the essence of this amendment. The amendment simply says—and I will not take the time to read it; I know other people wish to speak. I might add, this is the first and only time in the last 3 months I have spoken on the floor. I apologize for the time, but I think it is the single most critical issue we face. I know my friends think that too.

Regardless of your political persuasion, how do you attend to the agenda each of us has, from the right or the left, to deal with the social ills and concerns of America until we end this war? We are going to spend, counting it all, $120 billion a year. How do you deal with that—the Republican approach to dealing with generating economic growth or the Democratic approach? How do you deal with tax structure and tax policy? How do you do this?

Look, it is the ultimate preoccupation, with good reason, of the American people. Again, I know no one more loyal or knowledgable about the U.S. Armed Forces whom I have served with in the Senate than my friend from Virginia. He knows there is only one group of Americans making a sacrifice now—it is the thousands of families, thousands, 166,000 families. It is those families. They are the only ones. But guess what. It is against the Senate rules to refer to the Gallery by pointing to them. But I will refer to previous Galleries. Everyone who sits in this Gallery, they get it. They get it, whether they have a child, son, daughter, husband or wife there.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. BIDEN. So folks, I must tell you, I am getting frustrated with all the tactical—not strategic—suggestions that have been made with how to deal with this war. Because if you put together a basic syllogism, the basic premise is what? There is no military solution; only a political solution.

So what yields that political solution? Can I guarantee the Senator from Minnesota, the Presiding Officer, that my solution will work? No. But I can guarantee—I will rest my career on what I am about to say—that there is no other political solution being proffered that has any—period; not one ''being offered''—and none of the tactical solutions offered will, in fact, solve this problem, none.

I know you are all afraid. I know everybody who is running is afraid to sign onto a specific proposal. ''Afraid'' is the wrong word—reluctant. Because then you become the target. You become the target. You offer a specific alternative, and it is easy to focus on whether your solution can work. If it is tried and failed, then you made a mistake. As the old saying goes: What do they pay us the big bucks for? Why are we here? Why are we here?

Let's stop pussyfooting around. Either vote for this political solution or offer another one or say you think there is a military solution or say you think it is totally hopeless, there is no resolution. Let's leave and hope for the best. But don't tell me you have a plan if it does not fall in one of those four categories. Don't tell me. That is disingenuous.

So, again, can I guarantee this will work? No. Every single day that goes by, absent an attempt to implement what I am proposing, or something similar to it, without it being attempted, makes it harder. Look, it is not often that Thomas Friedman, David Brooks, Charles Krauthammer, Henry Kissinger, Madeleine Albright, Les Gelb—I will go down the list—

agree on the same principle about the most fundamental, immediate foreign policy issue facing the United States of America.

I am open—I have no pride of authorship—I am open to amending, tweaking, changing, but I will end where I begin. The central, fundamental, animating principle of this concurrent resolution is: Iraq will not be governed from the center anytime soon, and I am not prepared for my son and his generation to continue to shed their blood in an effort to do that. I will not do that.

As we leave—and we will leave, as my friend from Virginia knows—as we leave, the only honest question that any President or Senator must ask himself or herself is: Do we have any ability to affect what we leave behind? If we do, we have a moral overriding, overarching obligation to the next generation to try to do it.

Because let me tell you something, I am out there, as the old saying goes, on the trail. The easiest thing to say is: I wash my hands, man. Out. It is—let me choose my words correctly—it is not an answer. It is not an answer. It is not an honest answer.

So I ask unanimous consent that recent supporting ideas relating to federalism—whether or not they use the Biden language—be printed in the RECORD.

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

RECENT SUPPORT FOR FEDERALISM IN IRAQ

The Kurdish autonomous zone should be our model for Iraq. Does George Bush or Condi Rice have a better idea? Do they have any idea? Right now, we're surging aimlessly. Iraq's only hope is radical federalism—with Sunnis, Shiites and Kurds each running their own affairs, and Baghdad serving as an ATM, dispensing cash for all three. Let's get that on the table—now.—Thomas Friedman, New York Times, August 29, 2007

Most American experts and policy makers wasted the past few years assuming that change in Iraq would come from the center and spread outward. They squandered months arguing about the benchmarks that would supposedly induce the Baghdad politicians to make compromises. They quibbled over whether this or that prime minister was up to the job. They unrealistically imagined that peace would come through some grand Sunni-Shiite reconciliation.

Now, at long last, the smartest analysts and policy makers are starting to think like sociologists. They are finally acknowledging that the key Iraqi figures are not in the center but in the provinces and the tribes. Peace will come to the center last, not to the center first. Stability will come not through some grand reconciliation but through the agglomeration of order, tribe by tribe and street by street.

The big change in the debate has come about because the surge failed, and it failed in an unexpected way. The original idea behind the surge was that U.S. troops would create enough calm to allow the national politicians to make compromises. The surge was intended to bolster the ''modern''—meaning nonsectarian and nontribal—institutions in the country. But the surge is failing, at least politically, because there are practically no nonsectarian institutions, and there are few nonsectarian leaders to create them. Security gains have not led to political gains.—David Brooks, New York Times, September 4, 2007

A weak, partitioned Iraq is not the best outcome. We had hoped for much more. Our original objective was a democratic and unified post-Hussein Iraq. But it has turned out to be a bridge too far. We tried to give the Iraqis a republic, but their leaders turned out to be, tragically, too driven by sectarian sentiment, by an absence of national identity, and by the habits of suspicion and maneuver cultivated during decades in the underground of Saddam Hussein's totalitarian state. . . .

We now have to look for the second-best outcome. A democratic, unified Iraq might someday emerge. Perhaps today's ground-up reconciliation in the provinces will translate into tomorrow's ground-up national reconciliation. Possible, but highly doubtful. What is far more certain is what we are getting: ground-up partition.—Charles Krauthammer, Washington Post, September 7, 2007

It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were elected on a sectarian basis. A wiser course would be to concentrate on the three principal regions and promote technocratic, efficient and humane administration in each. The provision of services and personal security coupled with emphasis on economic, scientific and intellectual development may represent the best hope for fostering a sense of community. More efficient regional government leading to substantial decrease in the level of violence, to progress towards the rule of law and to functioning markets could then, over a period of time, give the Iraqi people an opportunity for national reconciliation—especially if no region is strong enough to impose its will on the others by force. Failing that, the country may well drift into de facto partition under the label of autonomy, such as already exists in the Kurdish region.—Henry Kissinger, Washington Post, September 16, 2007

Mr. BIDEN. I would assert I am confident there are some major players in this administration who agree with the tact I am taking, and I would invite—that is not why he is on the floor, I know—I would invite any advice or suggestions—not at this moment—from my friend from Indiana or my friend from Virginia as to how to deal with this.

But, ladies and gentlemen, it took us—it took us—13 years to get to our Philadelphia moment. It is going to take the Iraqis a lot longer. I do not want to see a regional war in the meantime because every one of us knows, whether we are here 3 years from now, there will not be 133,000 troops in Iraq. That will not be the case no matter who is President. The American people will not stand for it, and we will respond.

I yield the floor.

Mr. WARNER. Madam President, I, for one, will accept the challenge to carefully go back and look at the Senator's amendment and the foundation documents which he has described, and I look forward to Monday and Tuesday, perhaps, reengaging the Senator.

I say to the Senator, I think it is a very heartfelt expression of your own views that you have shared with us this morning. I think it is a constructive contribution to this debate.

Mr. BIDEN. Madam President, I thank my friend and I appreciate his kind remarks.

Madam President, I also ask unanimous consent that the article in Thursday's Washington Post, dated September 20, by David Ignatius, entitled ''Shaky Allies in Anbar'' be printed in the RECORD.

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

SHAKY ALLIES IN ANBAR

(By David Ignatius)

The Bush administration has been so enthusiastic in touting its new alliance with Sunni tribal leaders in Anbar province that it's easy to overlook two basic questions: Why did it take so long to reach an accommodation with the Sunnis? And is Anbar really a good model for stabilizing the rest of Iraq?

First, the what-took-so-long issue: The fact is, Sunni tribal leaders have been queuing up for four years to try to make the kind of alliances that have finally taken root in Anbar. For most of that time, these overtures were rebuffed by U.S. officials who, not inaccurately, regarded the Sunni sheiks as local warlords.

This disdain for potential allies was a mistake, but so is the recent sugarcoating of the tribal leaders. They are tough Bedouin chiefs, sometimes little more than smugglers and gangsters. The United States should make tactical alliances with them, but we shouldn't have stars in our eyes. The tendency to overidealize our allies has been a consistent mistake.

Like other journalists who follow Iraq, I began talking with Sunni tribal leaders in 2003. Most of the meetings were in Amman, Jordan, arranged with help from former Jordanian government officials who had perfected the art of paying the sheiks. One contact was a member of the Kharbit clan, which had long maintained friendly (albeit secret) relations with the Jordanians and the Americans. The Kharbits were eager for an alliance, even after a U.S. bombing raid killed one of their leaders, Malik Kharbit, in April 2003. But U.S. officials were disdainful.

During a visit to Fallujah in September 2003, I met an aging leader of the Bu Issa Tribe named Sheik Khamis. He didn't want secret American payoffs—they would get him killed, he said. He wanted money to rebuild schools and roads and to provide jobs for members of his tribe. U.S. officials made fitful efforts to help but nothing serious enough to check the insurgency in Fallujah. Back then, you recall, the Bush administration was playing down any talk of an insurgency.

A Sunni tribal leader who pushed bravely for an alliance with the Americans was Talal al-Gaaod, a leader of one of the branches of the Dulaim tribe. Looking back through my notes, I can reconstruct a series of his efforts that were mishandled by senior U.S. officials: In August 2004, he helped arrange a meeting in Amman between Marine commanders from Anbar and tribal leaders there who wanted to assemble a local militia. Senior U.S. officials learned of the unauthorized dialogue and shut it down.

Gaaod tried again in November 2004, organizing a tribal summit in Amman with the blessing of the Jordanian government. Again, the official U.S. response was chilly; the U.S. military launched its second assault on Fallujah that month, and the summit had to be canceled. In the spring of 2005, the tireless Gaaod began framing plans for what he

called a ''Desert Protection Force,'' a kind of tribal militia that would fight al-Qaeda in Anbar. The proposal was gutted by U.S. officials in Baghdad who derided it as ''warlordism.''

A despondent Gaaod e-mailed me in July 2005: ''Believe me, there is no need to waste anymore one penny of the American taxpayers' money and no more one drop of blood of the American boys.'' His despair roused the new American ambassador to Baghdad, Zalmay Khalilzad, who began meeting with Gaaod and other Iraqi Sunnis in Amman in hopes of brokering a deal with the insurgents. Gaaod died of heart failure in March 2006.

What finally happened in Anbar was that Sunni tribal leaders—tough guys who have guns and know how to use them—began standing up to the al-Qaeda thugs who were marrying their women and blocking their smuggling routes. The initial American response in mid–2006, I'm told, was ho-hum. More warlords. But Green Zone officials began to realize this was the real deal, and a virtuous cycle began. The tragedy is that it could have happened much earlier.

The American plan now, apparently, is to extend the Anbar model and create ''bottom-up'' solutions throughout Iraq. For example, I'm told that U.S. commanders met recently with the Shiite political organization known as the Supreme Islamic Iraqi Council and gave a green light for its Badr Organization militia to control security in Nasiriyah and some other areas in southern Iraq and thereby check the power of Moqtada al-Sadr's Mahdi Army. We're interposing ourselves here in an intra-Shiite battle we barely understand.

These local deals may make sense as short-term methods for stabilizing the country. But we shouldn't confuse these tactical alliances with nation-building. Over time, they will break Iraq apart rather than pull it together. Work with tribal and militia leaders, but don't forget who they are.

Mr. BIDEN. Madam President, I yield the floor and thank my colleagues.

Mrs. FEINSTEIN. Madam President, expectations were high on Capitol Hill and the rest of the Nation this month.

We were all hoping to hear a major new strategy on how to forge political accommodation in Iraq from General Petraeus and Ambassador Crocker, and most importantly from President Bush.

We did hear of some limited, tactical success in improving security, but we learned nothing new on how the Bush administration would bridge the yawning political gap between Shia and Sunni.

In fact, the President in his speech last week to the Nation offered no change in policy and no strategy for reaching the political accommodation that is necessary in Iraq.

In his eighth prime-time address on Iraq, the President again made the case that his policy will bring success in Iraq.

We have heard ''mission accomplished,'' we have heard calls for patience, and innumerable claims that we are winning. We have heard that more troops will lead to political progress.

We have heard that ''when they stand up, we stand down,'' but there is no clear plan to get them to stand on their own.

And, this time we received yet another slogan—''Return on Success'' a new name for staying the course, keeping the status quo.

So, even though for months we have been told by the White House and many of my colleagues on the other side of the aisle to wait until September for a new strategy, we are still told to wait—again—but for what?

Neither General Petraeus nor Ambassador Crocker could provide answers to how long a U.S. troop presence will be in Iraq. As Ambassador Crocker said, ''No timelines, dates, or guarantees.'' Yet we are told to embrace their recommendations and continue more of the same.

This will do nothing to force Prime Minister Maliki to take the necessary actions to bring political stability to that nation.

Sadly, we are left with no conclusion but this—the upcoming year will result in little change in the political stalemate that marks Iraq's Government today.

This, I believe, is a missed opportunity for telling the American people how political progress would be made in Iraq, for describing how and when the vast majority of our troops would come home, and for charting a new strategy and finding a way out of Iraq.

No, this President and his military and political advisors seemed determined to keep a high level of U.S. forces in Iraq for the foreseeable future.

It was clear from the President's speech that he fully intends to maintain his failed Iraq policy through the end of his administration and then lay the problem at the feet of his successor.

The President would also like to take credit for drawing down our troops when the reality is that he is willing to go no further than presurge levels through next July. The same troop levels in Iraq 10 months from now as we had 10 months ago. This is not change; this is not a plan.

In fact, this was always the expectation, because simply put, the Army is on the verge of breaking. Troop rotation limitations make it imperative that we draw down troop levels by this April to avoid extending our soldiers' 15-month tours further.

Only a token contingent—about 5,000—will come home by the end of this year.

Clearly, a choice has been made by this White House to leave the difficult decisions to the next administration; that is, unless Congress acts. So Congress, once again, has an opportunity, an opportunity to do what this administration will not—to bring about major reductions in troops, and to begin the process of bringing our troops home.

I hope Democrats and Republicans can find common ground in the coming weeks to transition the mission and remove our troops from the midst of a civil war that only the Iraqis can solve.

We must forge a bipartisan plan to move our troops out of Iraq.

That is what the American people want.

Improvements in security are welcome, but by themselves, they do nothing to answer the difficult questions facing the nation. I do not doubt that the surge has had a positive effect on security.

When you add 30,000 U.S. forces into a region, you are going to have an impact on the area. I would be surprised if it were otherwise.

And it is clear that there have been improvements in security in Al Anbar province. Sunni sheiks are working with U.S. forces against brutal foreign fighters. But we must also acknowledge that many of these improvements started to take place before the surge even began. And levels of violence in other areas of Iraq have receded from the December 2006 peak. Yet, these levels of violence, it should be noted, still remain high compared with 2004 and 2005 levels.

Every recent report admits that the security progress has been uneven. In fact, the latest Pentagon Quarterly assessment released just this week points out that even as Iraqi civilian deaths fell to their lowest level in 5 months in June, attacks against coalition forces reached record levels that same month.

Civilian casualties, in fact, rose again in July, and a telling chart in that Pentagon report shows the average daily casualties in Iraq—including coalition forces, civilians, and Iraqi security forces—increasing to about 150 per day in July and August.

Moreover, we face a growing humanitarian crisis in Iraq as the number of displaced Iraqis is increasing by 80,000 to 100,000 a month. To date, at least 2.2 million Iraqis have fled their country, and another 2 million have been forced to leave their homes to escape the sectarian violence.

There continue to be IED explosions, suicide bombings, sectarian killings on a daily basis.

So violence continues, even if by some measures there have been indications of a decline in the last several weeks.

But the point is this—the surge is not an end in itself. It is not a strategy. It is a tactic to achieve a purpose.

The purpose of the surge was meant to give politicians the breathing space needed to make the tough choices necessary to forge a stable government.

Yet, according to independent analysis, there has been little progress in meeting the key benchmarks.

The Iraqi Government has met only 3 of 18 benchmarks—not including major political action on an oil law, constitutional reform, and debaathification.

These benchmarks, by the way, were commitments made by the Iraqi Government itself, not the U.S. Congress. They were put forward to the Nation by President Bush in January as critical indicators of political progress in Iraq that would come about as part of the surge. Yet, this did not happen.

And recent reports all raise stark doubts about the likelihood that we

will see any significant political progress on the part of the Iraqi government in the coming months.

Even Ambassador Crocker showed deep pessimism that meeting these benchmarks and achieving major political progress would be possible in the next month or year.

He said, ''I frankly do not expect us to see rapid progress through these benchmarks'' and suggested that progress would take months if not years to achieve.

So the American people are being asked for more patience at a time when it is clear that we do not have a strategy in place to remedy the situation in the immediate future.

While this administration continues to endorse an open-ended commitment of our presence in Iraq, our brave service men and women are caught in the middle of a situation that everyone agrees can only be resolved with a political solution. This is deeply troubling to me. Our nation has been in Iraq for 4½ years. We have spent $450 billion and the President will soon ask us for $200 billion more.

We have lost nearly 3,800 American troops, over 400 from my home State of California. Almost 28,000 have been injured in Iraq.

We entered the country thinking that we would be met as liberators, and had no contingency plans in place if we were not.

The borders weren't secured, leading to an inflow of foreign fighters.

Debaathification was put in place on all levels of civil society, leading to resentment and widespread unemployment.

The army was disbanded, creating a disaffected, trained insurgency.

The munitions dumps weren't secured, essentially arming the insurgency.

There has never been a clear-eyed strategy to resolve the major difference between Shia and Sunni.

In a case of truly open candor, General Petraeus even admitted that he did not know if the U.S. presence in Iraq had made America ''safer.''

And now the American people are being asked for more of the same.

More time, more patience, more of our blood and treasure—all without a strategy. I cannot support this view.

I have said for a long time now that I believe that we should transition the mission in Iraq and begin to move our troops home. I am more convinced of that today.

Our forces only buttress the Maliki government and shield them from making the tough decisions.

If our President will not hold the Iraqis accountable, then Congress must.

Bush's plan means a large number of American troops in Iraq for years to come—an undefined commitment to Iraq.

Is it right to ask for a commitment from our troops when the Iraqis won't commit themselves? Clearly no.

So I believe that Members of Congress on both sides of the aisle should come together in support of a plan to start bringing our troops home. They should not be in the middle of an ethno-sectarian civil war.

We need an answer to the one question which General Petraeus famously asked as commander of the 101st Airborne in Iraq in 2003, ''Tell me how this ends.''

Mr. DODD. Madam President, I wanted to take a moment to explain why I voted against the Levin-Reed amendment on Iraq.

Let me say at the outset that I am second to none in this body in my opposition to the President's failed policy in Iraq. Yesterday I spoke in strong support and voted for the Feingold-Reid amendment that would have set forth a clear and enforceable deadline for ending our military involvement in the unwinnable civil war in Iraq. Sadly, only 27 of our colleagues joined with me in voting for the Feingold-Reid amendment.

I do not doubt the sincerity of Senators LEVIN and REED in offering their amendment. These have been two articulate voices in the Senate calling for a change in our policy in Iraq for some time now. They like many of our colleagues have spoken out strongly about the failure of the President's policy and highlighted the fact that this policy has made our Nation less safe and has broken our military. But I believe this President will not admit failure or change policy unless we force him to, and the only effective instrument available to this Congress to do so is to exercise its power of the purse and cut off funding for this war, once our men and women in uniform have been safely withdrawn from Iraq. That is what the Feingold amendment would have accomplished, and that is what any amendment that I will vote for henceforth must do.

We all know this President doesn't understand subtlety. He has demonstrated time and time again that he doesn't respect this Congress or even the law. How many signing statements has this President issued in which he outlines ways to ignore or circumvent the laws written by this Congress? Too many. How many innocent Americans have been subject to illegal, warrantless wiretaps authorized by this President? Too many. How many falsehoods and deceits have been perpetrated by this President to justify his disastrous war of choice in Iraq? Too many.

There is only one way to force this President to change course in Iraq and that is to take away the money required for him to conduct that war. Iraqi officials need to be convinced as well that we truly mean it when we say it is time for them to take responsibility for their country and not count on us indefinitely to fight their fight for them.

If we are truly being honest with the American people when we say we are fighting to end this failed policy, we must do everything possible to do so. That is why while I respect the efforts of my colleagues Senators LEVIN and REED, I felt compelled to vote against their amendment.

I hope the next time this body debates the war in Iraq, many more of our colleagues will join with Senator FEINGOLD and me in voting for a clear and enforceable deadline to end our military involvement in Iraq and set on a new course that makes our Nation more secure and allows our broken military to begin to rebuild.

Too many days have passed and too many lives have been lost while this Congress has stood by and not acted. That must end.

Mr. AKAKA. Madam President, yesterday I offered, along with my colleague Senator WEBB, an amendment to the National Defense Authorization Act for Fiscal Year 2008 that would require the Secretary of the Army and the Secretary of Veterans Affairs to prepare a report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery.

Our amendment seeks to clarify the plans of the Secretaries to replace the monument at the Tomb of the Unknown due to cosmetic cracks that have appeared over time in the facing of the monument. It would require the Secretaries to provide Congress with a description of the current efforts to maintain and preserve the monument and an assessment of the feasibility and advisability of repairing rather then replacing it. The Secretaries would also be required to report on their plans to replace the monument and, if replaced, how they intend to dispose of the current monument. Our amendment would prevent the Secretaries from taking action to replace the monument until 180 days after the receipt of the report.

The Army contends that the cracks in the monument diminish the aesthetic value of the monument and that the cracks justify the monument's replacement. The Army's position is that the cracks in the monument cannot be fixed and that it will continue to deteriorate. The Army also contends that the surface of the monument has weathered to the point that, within the next 15 years, the details of the carving are expected to be eroded to the extent that the experience of visiting the tomb will be adversely effected. They justify its replacement by asserting that the Tomb of the Unknowns has significance beyond it historic origins and therefore should be maintained in as perfect of a state as possible.

This position is not shared by many civic and preservation groups who believe the monument can and should be preserved and repaired. This view is also shared by the preservation architects who completed the last formal study of repairs to the Tomb of the Unknowns in 1990. Supporters of preserving the current monument view it

as something that cannot be replicated. They do not believe the experience of visitors will be diminished by the weathering and deterioration that come over time. They believe it is a symbol that should be considered in the same vein as other imperfect symbols of our heritage such as the Liberty Bell and the Star Spangled Banner, the flag that inspired our national anthem.

It is important to note that the Capitol Building and the White House are other well-known and well-loved American icons that have developed cracks and other flaws in their building materials, but no one is suggesting that they be torn down and replaced with replicas.

It is also important that, as we consider replacing the monument at the Tomb of the Unknowns, we acknowledge that it is the stated position of our Government under Executive Order 13287, signed by President Bush on March 3, 2003, that the Federal Government will provide leadership in the preservation of America's heritage.

Our amendment does not preclude the Secretaries from replacing the monument at the Tomb of the Unknowns in the future, but seeks to ensure that we move with great caution before making any decisions that would irrevocably affect this national treasure. I urge all of my colleagues to support this amendment.

Mr. WARNER. Madam President, I believe our colleague from Indiana, under the UC, has now some 30 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Madam President, I see our colleague from Massachusetts. Does he wish to put a formal request before the Chair with regard to his desire to address the Senate?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts following the Senator from Indiana.

Mr. KENNEDY. Madam President, I thank the Senator from Virginia. I see the Senator from Indiana on his feet, as well as my friend and colleague from Wyoming. I know the Senator from Indiana is eager to continue the discussion on the substance that has been raised this morning. I was wondering if we might have a very brief period of time, Senator ENZI and myself, to describe an extremely important piece of legislation that passed last evening, on a voice vote. It is very important in terms of the health of the country. We want to be able to speak briefly on that issue.

I am wondering if the Senator from Indiana would yield 5 minutes to the Senator from Wyoming and myself.

Mr. WARNER. Madam President, first, we would want to consult before that UC is given——

The PRESIDING OFFICER. An order already exists.

Mr. WARNER. With the Senator from Indiana, who I think has been waiting about an hour and a half.

Mr. LUGAR. Madam President, I thank the distinguished Senator from Virginia for raising the question. As a courtesy to my distinguished colleagues, I will be pleased to yield for the time requirements they have and then I will proceed after they have concluded.

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

Mr. WARNER. Madam President, I thank the Chair's inviting comment. Let us make it clear that I believe the UC, as structured, would be the Senator from Massachusetts will have 5 minutes, the Senator from Wyoming will have 5 minutes, and then the 30 minutes allocated to the Senator from Indiana will start.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. WARNER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, Madam President, I thank my friend from Indiana, who is so typically gracious and understanding to his colleagues. We will be very brief. If the matter was not of such importance, we would not trespass on the Senator's time.

Madam President, I ask the Chair to let me know when I have 1 minute left.

The PRESIDING OFFICER. I will, Senator.

Mr. KENNEDY. I thank the Chair.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION

Mr. KENNEDY. Madam 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 two cents a day for each citizen.

An agency that does so much so well deserves to be supported and strengthened. Yet too often, the opposite has been true. FDA's vital mission has been jeopardized by inadequate resources, occasionally insufficient legal authority, and absent leadership.

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 the Senate has approved.

The prestigious New England Journal of Medicine editorialized earlier this year that the bill was ''the most important drug-safety legislation in a century.''

Earlier this week, the House of Representatives approved this bipartisan measure by a broad bipartisan margin 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. I am pleased that the Senate did the same, sending that bill to the President with a unanimous voice of approval.

The stakes could not be higher. Funding for the FDA's vital safety mission has reached the breaking point. If we had not acted, the FDA Commissioner would have sent a letter today to over 2,000 employees informing them that their jobs were slated for termination.

Each of those individuals is a trained and experienced professional with many career options in academia or industry—yet each of them has made the decision to devote themselves to public service. If those talented public servants had left the agency, the consequences would have been with us for years—in terms of slower access to medicines for patients, weaker safety oversight and loss of America's competitive edge in the life sciences.

FDA has an urgent need for these funds. Its workload has increased massively in recent years but its resources have not kept pace. Since 1990, the number of adverse events submitted to the FDA has increased by over 1,300 percent, but the agency's resources have increased only 130 percent. The legislation provides over $400 million this year for the review of drugs and medical devices at FDA, and over $50 million for needed safety reforms to give these talented professionals the tools they need to do the job we are counting on them to do.

The bill before us is not just about resources—far from it. It is a strong and comprehensive measure to improve the safety of the medicines we rely on, and it takes important steps toward a safer food supply and less expensive prescription drugs.

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. For drugs that pose little risk, these actions might be as simple as a program to report side effects and a label with safety information—items that are currently required for all drugs. Drugs that raise major potential safety concerns might require additional clinical trials, a program to train physicians in using the drug safely, or a requirement that the prescribing physician have special skills.

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. During the discussions that led to consideration of this bill, we heard time and again that there was a major need for better research tools to aid FDA in evaluating the safety of drugs and devices and help researchers move through the long process of developing these products more effectively.

If new research tools and better ways to evaluate the safety and effectiveness of drugs could be developed, patients will benefit from quicker drug development. If current procedures can be made more effective, then the cost of developing new drugs will drop.

The Reagan-Udall Foundation sets up a way to develop these new tools—not so they can help just one researcher or one company, but so they can help the entire research enterprise.

The bill helps preserve the integrity of scientific review by improving FDA's safeguards against conflicts of interest on its scientific advisory committees—not through a rigid policy that could deny FDA needed expertise, but though a flexible approach that will reduce the number of waivers given for conflicts of interest at FDA overall.

The bill also takes action on the abuse of citizens petitions. FDA has a commonsense policy to allow ordinary citizens or medical experts to submit petitions to the agency about drugs that it is considering approving. This procedure should be used to protect public health—but too often, it is subverted by those who seek only to delay the entry onto the market of generic drugs.

Even if the petitions are found to be meritless, they will have accomplished their mission—delaying access for consumers to safe and lower cost medicines. Some petitions do present legitimate public health concerns, and FDA should not ignore them. The critical test of any proposal on citizen petitions is that it strike a balance so that the abuse of citizens petitions is prohibited, but those petitions that have genuine safety information are reviewed.

The proposal the Senate approved strikes that balance. 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 protects health.

The legislation also includes important reforms of direct to consumer, or DTC, advertising. I want to 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, conspicuous and neutral, 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, and our committee will work on a comprehensive package of food safety legislation later 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 congratulate my colleagues on approving this legislation, and look forward to working with them on its effective implementation.

The comprehensive legislation approved by the Senate is over 400 pages long, and it reflects important contributions from many, many of our colleagues.

My partner in this effort from Day One has been my friend and colleague from Wyoming, Senator MIKE ENZI. Our work on drug safety began when he chaired our committee and I was Ranking Member—and our work didn't miss a beat when our roles were reversed after last year's election.

I also commend Senator DODD, Senator CLINTON, and Senator ALEXANDER for the important contributions they made to bring new drugs to children. I regret that several of these important provisions were not included in the bill, but I will work with them to see if those worthwhile proposals can be included in other legislation.

Senator GREGG contributed important proposals on using health information technology to improve FDA's ability to detect drug safety problems. No drug is free from risk, and FDA needs the best possible methods to detect unexpected risks as quickly as possible.

No Senator is more justly proud of the good work that FDA does than Senator MIKULSKI. Her state of Maryland has two of the great jewels of the federal government—the National Institutes of Health and the Food and Drug Administration, and her proposals to increase the transparency of FDA operations were included in the bill.

Senator HATCH and I have worked together on the life sciences for many years. Whether the issue is stem cells or biologics or the FDA itself, Senator HATCH is always at the forefront of the debate—and the bill includes important provisions he offered to accelerate the development of new cutting-edge drugs.

The proposal on citizens petitions in this legislation is a true bipartisan effort—uniting Senators STABENOW, BROWN, LOTT, HATCH and THUNE. These Senators were deeply committed to this proposal, and they participated actively in the final negotiations on the bill.

Senator ROBERTS and Senator HARKIN collaborated productively to develop an effective and workable proposal on direct-to-consumer advertising that both protects consumers and respects the Constitution.

A number of other colleagues also made major contributions to this bipartisan achievement. Senator OBAMA offered provisions on genetic testing. Senator REED contributed a proposal on the safety of tanning beds. Senator BROWN and Senator BROWNBACK came up with new and thoughtful incentives for new treatments for neglected tropical diseases. Senator DORGAN contributed provisions on counterfeit drugs. Senator ROCKEFELLER added provisions to increase reporting on authorized generics, and Senator COBURN contributed provisions to allow FDA to restrict the use of approved medicines only when the drug cannot otherwise be prescribed safely.

I especially commend Senator RICHARD BURR. No Senator is more committed to the search for innovations in the life sciences than he is. Senator BURR and his staff were skillful and tireless in their support for strong measures in the bill to see that FDA has the resources it needs to review new drugs quickly and effectively. No Senator worked harder to see that our deliberations on this bill were successful.

Finally, I thank our colleagues from the House of Representatives. Chairman JOHN DINGELL of the Energy and Commerce Committee and Chairman FRANK PALLONE of the Health Subcommittee steered this legislation

through the House. They worked in close partnership with the Ranking Members, Representative JOE BARTON and Representative NATHAN DEAL. Other House members made major contributions to the bill, as well, and I particularly commend Representatives HENRY WAXMAN and ED MARKEY for their leadership

Finally, I thank the dedicated staff members who worked so long and hard and well on this legislation:

Shana Christrup, Amy Muhlberg, Keith Flanagan, and Dave Schmickel from Senator ENZI's office; Liz Wroe with Senator GREGG; Jenny Ware with Senator BURR; Tamar Magarik and Jeremy Sharp with Senator DODD; Ann Gavaghan with Senator CLINTON; John Ford, Bobby Clark, Ryan Long and John Little of the House Energy and Commerce Committee; and my own staff: David Dorsey, David Bowen and Michael Myers.

They all spent long hours over many months on the many complex provisions in this bill. Our efforts could not have been successful without them, and millions of Americans will benefit from their ability and dedication in the years ahead.

I thank the Chair and thank the Senator from Indiana for his courtesies.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank you, and I especially thank the Senator from Indiana who has been waiting an hour and a half to speak and was kind enough to let us fit into the schedule. We needed to do this because so often around here, when something is done in such a bipartisan manner that it passes unanimously, nobody ever hears about it.

This isn't something we are trying to force through, this isn't something that there are a lot of arguments about, but it is something essential to the American people: their food and drug safety. We are the best country in the world at doing it. We can do it better. This bill lets us do it better. Is it a perfect bill? That never happens around here. Is it a big victory for patients and children? Absolutely.

This actually incorporates four reauthorizations and one massive reform. We take care of a lot of things in this package that normally would take a lot of hours on the floor, but because of the participation from both sides of the aisle, and from everybody intensively on the committee, we were able to put together a bill that solves a lot of problems.

The FDA's choice before was to pull a drug off the market or to leave it on. If it had some kind of a problem that could be solved some simple way, it wasn't an option; pull it off or leave it on. We gave them a toolbox, a whole bunch of different things that they can now do so that drugs will be approved faster, and then when that clinical trial that we call the whole population of the United States kicks in, there is a mechanism for following all of those and finding small samples of problems, solutions to those small samples of problems, and the drug that is working for people across this Nation doesn't have to be pulled off the market. It can still work for the people who aren't affected by an adverse reaction. That is a major change we have been able to make.

I wish to thank all the people involved, particularly the people on the committee who took separate parts of this and dug into it and came up with solutions—not solutions that would polarize us but solutions that would bring us together. The American people don't get to hear much about the solutions that bring us together. They get to hear hour after hour after hour of the things that have been polarized and that drive us apart. I want them to know there are things that get solved around here such as food and drug safety, a big thing for this country. It was done, and it was done unanimously. Now that means the House's version that was negotiated with the Senate's version was put together in such a way that we agreed with it. America needs to know that.

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public—from filthy conditions in meatpacking plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA's constant vigilance is something we have come to depend on every day to protect us and our children.

Beginning in January 2005, the Senate Committee on Health, Education, Labor and Pensions conducted a top-to-bottom review of the FDA's drug safety and approval processes. Given the limitations we identified during our review of FDA, I strongly felt it was necessary to correct those problems and ensure that FDA has the right tools to address drug safety after the drug is on the market. New authorities were clearly needed, and H.R. 3580, the Food and Drug Administration amendments of 2007, provides those authorities.

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 take to treat illnesses and chronic medical conditions can be relied upon and trusted. The broad new authorities in this legislation are the most significant change to FDA in at least a decade. The sweeping new authorities provided by this bill will only strengthen the agency's ability to safeguard the American people.

This bill gives FDA a full toolbox of options for dealing with potential safety problems, even if they are discovered after a drug is first marketed. FDA will be able to proactively react to additional safety information whenever that safety information is discovered, even after the drug is on the market. FDA will have the ability to identify side effects through active surveillance, and the authority to request a study or clinical trial to learn more about a potential safety problem. But perhaps most significantly, FDA will be able to obtain timely label changes in response to that safety information.

The label is the most important communication mechanism for patients and providers about a drug's benefits and risks. Patients and doctors need to know that they can rely on the drug label for accurate information. To ensure that science is the guiding principle for all information with the drug label, the FDA must be the sole arbiter of what is and is not in the label. This legislation provides one strong, clear pathway to update a drug label in response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA's hand in securing changes to the label. By providing this single, expedited pathway for safety labeling changes, it is clear that Congress intends there to be one standard for protecting all Americans the FDA gold standard. We should not be second-guessing the FDA and its science-based decisions but continuing to rely on the agency to provide accurate information regarding a drug's benefits and risks.

I thank the Senator from Indiana for letting us take a few minutes to voice this so there would be some knowledge out there of something happening that is good and in a bipartisan way and gets accomplished. I wish I had time to name all the people and the contributions they made to this. I hope people will take a look at the record and see all of these people, not just Senators, not just House Members, but the staffs who worked on this overtime, for hours at night, for hours on the weekend, to be able to resolve it by today. Why is today important? Because if we didn't get this finished today and assure that the companies which help fund the efforts of the FDA would come in, there would have had to be RIF notices to about 2,000 Federal employees today who would be laid off. So we were up against a tight time deadline and we met the time deadline and did it in a very bipartisan way.

Mr. GREGG. Madam President, I rise today to speak about the passage of the Food and Drug Administration Amendments of 2007. This bill includes the reauthorizations of the Prescription Drug User Fee Act, PDUFA, and the Medical Device User Fee and Modernization Act, MDUFMA, both of which provide an essential source of funding to the FDA to ensure faster review times and enhanced patient access to safe and effective drugs and devices.

The bill also reauthorizes two programs that have had a great impact on the safety of medicines for children. I support the reauthorization of the Best Pharmaceuticals for Children Act, BPCA, and the Pediatric Research Equity Act, PREA, in particular the provision that maintains the current 6 months of data exclusivity provided under current law to create a meaningful incentive for drug manufacturers to

perform pediatric safety studies. It is because of the great success of these two programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further reauthorizations to continue balancing the incentives and authorities that drive pediatric study.

Most of all, I am pleased that the drug safety portion of the bill contains provisions from my Safer DATA Act. This language requires the FDA to establish and maintain an active surveillance infrastructure to collect and analyze drug safety data from disparate sources, such as: adverse events reports, Medicare Part D and VA health system data, and private health insurance claims data. The private sector and many academic institutions have had these capabilities for years. With this legislation, the FDA will finally have access to the best information possible.

The legislation also directs the FDA to establish drug safety collaborations with private and academic entities to perform advanced research and further analysis of drug safety data once the surveillance system detects a serious risk.

And finally, to enhance risk communication, the language establishes a one-stop shop web portal to give patients and providers better access to drug safety information, including aggregate information from the surveillance system.

I congratulate Senator KENNEDY and Senator ENZI for their support of the inclusion of this provision and for their efforts to get this bill finalized before the September 21 deadline.

We have consistently heard from HHS Secretary Leavitt and Commissioner Von Eschenbach over the past few months that if we failed to complete the reauthorizations of PDUFA and MDUFMA by September 21, they would be required to issue reduction-in-force—RIF—notices to FDA drug and device reviewers—the key staffers who are on the front lines of ensuring the safety and efficacy of FDA approved products. In 1997, when Congress failed to reauthorize PDUFA on time, the 1 month delay caused departures to the extent that it took 18 months for FDA to return to full staffing levels. Not only would the issuance of RIF notices this year have affected nearly 2,000 FDA employees and their families, but it would have essentially obliterated the ability of the agency to fulfill its public health mission.

So it may be surprising to some, that the key obstacle to finishing this bill over the last few weeks was the House Democratic leadership's insistence on a provision that they included on behalf of their most precious constituents—not the FDA employees, not the scientists, not even the patients, but the trial lawyers.

Yes, included deep in section 901 of this bill is a one-sentence rule of construction that makes the obvious statement that, notwithstanding the new authority granted to the FDA under this bill to require labeling changes; it is the responsibility of the drug company to comply with other regulatory requirements regarding the drug's label. This so called ''gift to the trial lawyers'' merely restates current law, and is not such a gift at all. Regardless of whether or not the drug company or the agency initiates a labeling change, it is the FDA that continues to have the express authority to approve, reject or modify the labeling of a drug.

Not only is this rule of construction meaningless, but it pales in comparison to the expansive authority given to the FDA throughout the rest of the bill's 422 pages. What this bill does at the majority's insistence is expand the reach of the FDA's regulatory authority over prescription drugs, devices, food, and even tanning beds.

In addition to the bill's many other provisions, section 901 gives the HHS Secretary explicit authority to request certain safety labeling changes. If the Secretary becomes aware of new safety information that the he or she believes should be included in the labeling for a drug, the Secretary may notify the drug company and begin a process to modify the label.

Under existing preemption principles, FDA approval of labeling under the Food, Drug, and Cosmetic Act preempts conflicting or contrary State law. The determination of whether or not labeling revisions are necessary is, in the end, squarely and solely the FDA's. Given the comprehensiveness of FDA regulation of drug safety, effectiveness and labeling under the Food, Drug, and Cosmetic Act, additional requirements for the disclosure of risk communication do not necessarily result in positive outcomes for patients, but create differing standards that heighten confusion.

If we had intended through this legislation to give State courts and State juries the authority to second guess the scientific expertise of the FDA, we would have done so. In fact, based on the totality of the bill's 422 pages we have done the opposite. The intent of this legislation is explicitly clear. One FDA. One gold standard. One expert Federal agency charged by Congress with ensuring that drugs are safe and effective and that product labeling is truthful and not misleading.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I unanimous consent to speak as in morning business.

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

U.S. LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS AND MALARIA ACT

Mr. LUGAR. Madam President, I rise today to discuss S. 1966, a bill that I introduced last month to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003—known as the Leadership Act. Under the Leadership Act, the American people have catalyzed the world's response to the HIV/AIDS epidemic. It is not often that we have an opportunity to save lives on such a massive scale. Yet every American can be proud that we have seized this opportunity. My message to Senators today is a simple one: let's agree that we should sustain this success, and let's move now to pass a reauthorization bill.

I believe that Congress should reauthorize the Leadership Act this year, rather than wait until it expires in September 2008. Partner governments and implementing organizations in the field have indicated that, without early reauthorization of the Leadership Act, they may not expand their programs in 2008 to meet the goals that we set for the President's Emergency Plan for AIDS Relief also known as PEPFAR. These goals include providing treatment for 2 million people, preventing 7 million new infections, and caring for 10 million AIDS victims, including orphans and vulnerable children.

Many partners in the fight against HIV/AIDS want to expand their programs. But to do so, they need assurances of a continued U.S. commitment beyond 2008. We may promise that a reauthorization of an undetermined funding level will happen eventually—but partners need to make plans now if they are to maximize their efforts. Today, they have only a Presidential proposal, not an enacted reauthorization bill. This is an important matter of perception, similar to consumer confidence. It may be intangible, but it will profoundly affect the behavior of individuals, groups, and governments engaged in the fight against HIV/AIDS.

I recently received a letter from the Ministers of Health of the 12 African focus countries receiving PEPFAR assistance. They wrote:

> Without an early and clear signal of the continuity of PEPFAR's support, we are concerned that partners might not move as quickly as possible to fill the resource gap that might be created. Therefore, services will not reach all those who need them. . . . The momentum will be much greater in 2008 if we know what to expect after 2008.

I realize that a PEPFAR reauthorization bill will face a crowded Senate calendar this year. But maintaining the momentum of PEPFAR during 2008 is a matter of life or death for many. Part of the original motivation behind PEPFAR was to use American leadership to leverage other resources in the global community and the private sector. The continuity of our efforts to combat this disease and the impact of our resources on the commitments of the rest of the world will be maximized if we act now.

Although the Leadership Act is an extensive piece of legislation, I believe that Congress can reach an agreement expeditiously on its reauthorization. Most of its provisions are sound and do

not require alteration. In fact, the act has provided for substantial flexibility of implementation that has been one of the keys to success of the PEPFAR program. The authorities in the original bill are expansive, and they are enabling the program to succeed in diverse nations, each with its own unique set of cultural, economic, and public health circumstances.

In developing S. 1966, I have consulted extensively with American officials who are implementing PEPFAR. Most believe that preserving the existing provisions of the Leadership Act would give them the best chance at continued success. Adding new restrictions to the law can limit the flexibility of those charged with implementation in 2009 and beyond. We don't know who that will be, and more importantly, we don't know what the challenges of 2013 will be—though we can probably say with confidence that the landscape will be very different then than it is today.

This is not to say that Senators may not have good ideas for improvement that should be adopted. But new provisions must not unduly limit the flexibility of the program, and Congress should avoid descending into time-consuming quarrels over provisions that are unnecessary or that have little to do with the core mission of the bill.

As Senators study the record of PEPFAR to date, I believe they will find that the vast majority of the authorities needed for the next phase of our effort already are in the existing legislation. I would like to outline how the existing legislation is dealing successfully with several specific areas of concern.

The first is Strengthening Health Systems. Some have expressed the view that additional authorities are needed to improve health systems in target countries. I agree that this area is a vital one if hard-hit nations are to have truly sustainable programs. Yet the current Leadership Act already contains ample authorities to help build health systems, and the United States is making extensive use of those authorities. To date, the emergency plan has supported nearly 1.7 million training and retraining encounters for health care workers and more than 25,000 service sites. In fiscal year 2007, PEPFAR estimates it will have invested nearly $640 million in network development, human resources, and local organizational capacity and training.

A recent study of PEPFAR treatment sites in four countries—Nigeria, Ethiopia, Uganda, and Vietnam—found that PEPFAR supported 92 percent of the investments in health infrastructure designed to provide comprehensive HIV treatment and associated care, including facility construction, lab equipment, and training. In these countries, PEPFAR also supported 57 percent of personnel costs and 92 percent of training costs.

In a separate study focused on Rwanda that examined 22 non-HIV/AIDS health indicators, 17 showed significant improvements as PEPFAR scaled up. Improvements in family planning and infant care, among other achievements, were deemed to have stemmed from ongoing HIV/AIDS programs. According to the chairman of the Institute of Medicine Committee, which recently completed a congressionally mandated study of the emergency plan:

> PEPFAR is contributing to make health systems stronger . . . doing good to the health systems overall.

In the Senate Foreign Relations Committee, we have paid particular attention to the devastating toll of HIV/AIDS on females. Women, and young girls in particular, are especially vulnerable to HIV and AIDS due to a combination of biological, cultural, economic, social, and legal factors. The Leadership Act's authorities in this area are robust. The emergency plan is already leading the world in incorporating gender considerations across its prevention, treatment, and care programs and addressing gender issues that contribute to the spread of HIV/AIDS. For example, in 2006, a total of $442 million supported more than 830 interventions that included one or more of the five priority gender strategies identified in the Leadership Act. These strategies include increasing gender equity in HIV/AIDS services, reducing violence and coercion, addressing male norms and behaviors, increasing women's legal protections, and increasing women's access to income and productive resources.

In Namibia, PEPFAR supports the Village Health Fund Project, a microcredit program that provides vulnerable populations, such as widows and grandmothers who care for orphaned grandchildren, with start-up capital for income-generating projects. In South Africa, PEPFAR supports a project that seeks to have men take more responsibility for preventing HIV infection and gender-based violence.

Another issue of special concern is food and nutrition. In 2004, I chaired a hearing of the Foreign Relations Committee on this subject that underscored how HIV/AIDS and hunger exacerbate each other in many African nations. The AIDS crisis has led to a food crisis for both its victims and their communities. It is no coincidence that the prevalence of HIV/AIDS is highest in countries where food is most scarce. PEPFAR has adopted guidance providing for the inclusion of nutritional assessment and counseling in care and treatment programs. It has also facilitated food support for targeted populations and assistance to long-term food security for orphans and vulnerable children. PEPFAR seeks to build on the comparative advantages of its partners in addressing food needs. These include USAID, the U.S. Department of Agriculture, and the United Nations World Food Program. These partners provide more direct support in food commodities and food security with a focus on overall communities. The PEPFAR approach of targeting individuals complements these efforts.

In Kenya, for example, PEPFAR is supporting a ''food by prescription'' approach and is working with the Kenyan government, the World Food Program and others to ensure that broader communities, as well as individuals who may fall outside of PEPFAR guidelines for support, are reached. In Haiti, PEPFAR works with partner organizations to support orphans and vulnerable children using a community-based approach. Children participate in a school nutrition program using USAID-title II resources. This program is also committed to developing sustainable sources of food. Thus, the program aggressively supports community gardens for children's consumption and for generating revenue through the marketing of vegetables.

On education, too, the Leadership Act's existing authorities are being put to productive use. In 2006, approximately $100 million in PEPFAR funding went toward programs that address barriers to school attendance for orphans and vulnerable children. This figure is expected to increase to $127 million in 2007. As it does with its nutrition programs, PEPFAR seeks to leverage its resources by ''wrapping around'' other programs that promote access to education, such as the President's African Education Initiative, or AEI.

For example, in Zambia, PEPFAR and AEI fund a scholarship program that helps nearly 4,000 orphans who have lost one or both parents to AIDS or who are HIV-positive stay in grades 10 through 12. Similar partnerships exist in Uganda, where PEPFAR and AEI are working together to strengthen life-skills and prevention curricula in schools. This program targets 4 million children and 5,000 teachers. Also in Uganda, through the AIDS Support Organization, PEPFAR helps almost 1,000 children by providing school fees and supplies for both primary and secondary school.

The emergency plan has dedicated nearly $191.5 million to pediatric treatment, prevention, and care during the last 2 years. The program has made steady progress, increasing the share of those receiving PEPFAR-supported treatment who are children from 3 percent in 2004 to 9 percent in 2006. The intent is to increase this figure to 15 percent.

PEPFAR has focused much effort on early identification of HIV-positive children. In many countries, an HIV test is used that cannot identify children as positive until they are 18 months old. Recognizing that 50 percent of HIV-positive children will die by age two if untreated, PEPFAR is working hard to introduce new diagnostic technology that can discern the HIV status of children at a much younger age.

Along with supporting treatment for children who are already infected, PEPFAR is devoting resources to ensuring that fewer children are infected

in the first place. To date, PEPFAR has dedicated more than $453 million to the prevention of mother-to-child transmission programs. In Botswana, Guyana, Namibia, Rwanda, and South Africa the percentage of pregnant women receiving mother-to-child transmission prevention services now exceeds 50 percent—the goal of the President's International Initiative to Prevent Mother and Child HIV. In the past few years, nearly all of the focus countries have adopted ''opt-out'' testing where pregnant women are given an HIV test during routine antenatal care unless they refuse the test.

Under the highly successful national program in Botswana, where approximately 14,000 HIV-infected women give birth annually, the country has increased the proportion of pregnant women being tested for HIV from 49 percent in 2002 to 96 percent in 2006. The number of infant infections has declined by approximately 80 percent, to a national transmission rate of less than four percent.

Although the authorities in the Leadership Act allow for an expansive array of activities, I am suggesting a few basic changes in this reauthorization. First, my proposal would increase to $30 billion the authorization for the years 2009 through 2013—a doubling of the initial U.S. commitment. Senators may wish to revisit this proposed funding level, and I look forward to that discussion.

I believe we need to keep the bill as free of funding directives as possible to ensure maximum flexibility for implementation. This was recommended by the Institute of Medicine. I am proposing that only two funding directives be included—one modified from its current form, the other maintained as it is.

The first modification would seek to address the abstinence directive in current law. The administration has interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of Condoms. The ABC paradigm for prevention was developed in Africa by Africans, to address the wide range of risks faced by people within their nations. Recent evidence from a growing number of African countries shows a correlation between declining HIV prevalence and the adoption of all three of the ABC behaviors. PEPFAR implements a program that teaches young children to respect themselves and others. Part of that respect is to refrain from sexual activity and to be faithful to a single partner. As children grow older, they learn about other ways to protect themselves so that they have the information and tools they need to live healthy lives. These are not revolutionary concepts. Rather they are commonsense approaches to public health based on broad experience garnered from many cases and studies.

The problem with this directive, however, is that it has applied to all prevention funding—not just to funding for prevention of sexual transmission. This has had the effect of squeezing funding for prevention activities that have nothing to do with sexual prevention—such as prevention of mother-to-child transmission and blood transfusion safety. The language I propose would address this by applying the directive only to funding for prevention of sexual transmission, rather than to prevention funding as a whole. This will enable greater flexibility.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. Rather than maintaining the existing directive of 33 percent of all prevention funding, the proposal would require that 50 percent of the sexual prevention subset of prevention activities be spent to support abstinence and faithfulness. It also acknowledges that different strategies are needed depending on the facts of the epidemic in each country—something PEPFAR is already doing. I think this compromise approach is one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention. I look forward to working on this with my colleagues.

The one directive in the Leadership Act that I believe must be maintained holds that 10 percent of funding be devoted to programs for orphans and vulnerable children. There were few programs focused on the needs of these children before the Leadership Act, and we remain in the early stages of the effort to serve them. Before the advent of PEPFAR, neither the United States, nor anyone else, had much experience in programs to support children infected with, or affected by, HIV/AIDS. After several years of effort, we have made some progress, but our programs are not yet as firmly established as they can be. This year PEFPAR invited proposals for orphans programs from the field—but the number of proposals that came back was far less than the available funding. This indicates that we still have much work to do in this area, and maintaining this directive will help to ensure that we do it.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. The American people strongly back this effort, and the maintenance of this directive will help to ensure that we remain attentive to those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, which was cosponsored by 11 Senators. That bill was signed into law on November 8, 2005.

My bill also includes some new language regarding the Global Fund, an organization that enjoys wide support in Congress. The Global Fund is a critically important partner in our fight against HIV/AIDS. In addition to our contributions, we are active on its board, and U.S. personnel provide the Global Fund with extensive technical assistance. The Global Fund is an avenue for the rest of the world to make contributions to antidisease initiatives. The United States is the largest supporter of the Global Fund, having provided more than $2 billion so far. The American people have contributed approximately one-third of all moneys received by the fund.

The fund is subject to pressures from many donors, and it is widely acknowledged that it would benefit from greater transparency and accountability. As chairman of the Senate Foreign Relations Committee from 2003 through 2006, I oversaw the passage of legislation that strengthened the transparency and accountability of international organizations that receive U.S. funding, including the World Bank and the International Monetary Fund. My proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I address such benchmarks at some length in my proposed legislation—not because of concerns over specific Global Fund activities—but rather to ensure sound practices and give members confidence that U.S. contributions are being monitored carefully. Most of these benchmarks are based on provisions contained in past appropriations bills, and I do not believe they will be controversial.

S. 1966 would maintain the limitation in the existing Leadership Act that U.S. contributions to the Global Fund may not exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, including other governments, and I believe there is wide agreement that this provision should be maintained.

Lastly, let me turn from the details of the proposed legislation to add some perspective to this reauthorization effort. The U.S. National Intelligence Council and innumerable top officials, including President Bush, have stated that the HIV/AIDS pandemic is a threat to national and international security.

The pandemic is rending the socioeconomic fabric of communities, nations, and an entire continent, creating a potential breeding ground for instability and terrorism. Communities are being hobbled by the disability and loss of consumers and workers at the peak of their productive, reproductive, and care-giving years. In the most heavily affected areas, communities are losing a whole generation of parents, teachers, laborers, health care workers, peacekeepers, and police.

United Nations projections indicate that by 2020, HIV/AIDS will have depressed GDP by more than 20 percent in the hardest-hit countries. The World

Bank recently warned that, while the global economy is expected to more than double over the next 25 years, Africa is at risk of being ''left behind.''

Many children who have lost parents to HIV/AIDS are left entirely on their own, leading to an epidemic of orphan-headed households. When they drop out of school to fend for themselves and their siblings, they lose the potential for economic empowerment that an education can provide. Alone and desperate, they sometimes resort to transactional sex or prostitution to survive, and risk becoming infected with HIV themselves.

I believe that in addition to our own national security concerns, we have a humanitarian duty to take action. Five years ago, HIV was a death sentence for most individuals in the developing world who contracted the disease. Now there is hope. We should never forget that behind each number is a person—a life the United States can touch or even save.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Through March of this year, the act has supported treatment for more than 1.1 million men, women, and children in 15 PEPFAR focus countries. During the first three and a half years of the act, U.S. bilateral programs have supported services for more than 6 million pregnancies. In more than 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral drugs, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of PEPFAR, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment, and care depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The United States has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate more than 94 percent of its available $12.3 billion appropriated through this fiscal year.

PEPFAR, led by its coordinator, Ambassador Mark Dybul, has utilized the existing Leadership Act authorities well and has listened to the Congress and many other stakeholders. We should maintain the flexibility to respond to the changing dynamics of the epidemic, rather than locking in particular approaches that might be appropriate for 2007, but that might prove problematic for future years. As the Institute of Medicine said, the Global Leadership Act is a ''learning organization.'' We should pass a bill now that allows PEPFAR to expand and evolve its program implementation utilizing the experience of these past 3½ years.

I believe that we will save more lives and prevent more infections if we reauthorize this remarkable program this year. I ask my colleagues to work with me to achieve a truly bipartisan triumph of which we can all be proud.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

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

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

IRAQ

Mr. DORGAN. Mr. President, I am going to make a few comments this morning about a hearing we just completed in the Democratic policy committee, but I am waiting for some charts. While I am waiting for those charts, I want to talk a moment about what is happening with respect to the debate here in this Chamber dealing with the war in Iraq. It relates to some things I said on the floor of the Senate yesterday but I think really bear repeating.

We are talking about the war in Iraq, the need to attempt to change course in Iraq, and yesterday I described again what the latest National Intelligence Estimate tells us. Now, all of us have access to this. There is a classified version, a top-secret version, and a nonclassified version, but all of us have access to this information. Here is what it says in the context of protecting this country and providing security and safety for this country. Here is what the National Intelligence Estimate says:

Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess the group has protected or regenerated key elements of its homeland attack capability, including: a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Here is what it says. It says the greatest terrorist threat to our homeland is al-Qaida and its leadership, who even now are plotting attacks against our country and who have a safe haven in the Pakistan region. Now, if that is the case, it is quite clear that the central fight on terrorism is not going door to door in Baghdad in the middle of a civil war. Yet that is what we are doing.

I have asked this question, and I have repeatedly asked it: Why should there be 1 square inch on the planet Earth that is secure or safe for Osama bin Laden and the leadership of al-Qaida? Yet our National Intelligence Estimate says they are in a safe haven. A ''safe haven.'' These are the people who boasted of killing Americans on 9/11. They boasted about engineering 19 terrorists aboard airplanes full of fuel and passengers, and they ran them into buildings, killing innocent Americans. And 6 years later, our National Intelligence Estimate tells us that those who engineered that attack have regrouped, are developing new training camps for terrorists, and are in a safe haven and developing new plans to attack America. That is unbelievable to me.

We are debating the war in Iraq, which our National Intelligence Estimate also says is largely sectarian violence, or a civil war. Yes, there is some al-Qaida in Iraq, but that is not the central front, and that is not the central war on terrorism. If, in fact, our role as a responsible country is to protect our citizens, then it seems to me we would change course and change strategy so that we are taking the fight to the terrorists and fighting the terrorists first.

We have been bogged down—longer now than in the Second World War—in what has become a civil war in Iraq. Meanwhile, the greatest terrorist threat to our homeland is in a safe haven. Osama bin Laden, al-Zawahiri, and others, the leadership of al-Qaida, in a safe haven.

What are the consequences of that safe haven? Let me show a newspaper report from last week. All of us understand this because we heard about it. They picked up terrorists in Denmark, they picked up terrorists in Germany. The terrorists in Germany were plotting attacks against the largest U.S. military base in Europe. Where did those terrorists train? In Pakistan. In terrorist training camps in Pakistan.

We are now seeing the fruit of what has been allowed to happen—the leadership of al-Qaida in a safe or secure place, operating or developing new training camps, training new terrorists to launch attacks against our country. Meanwhile, we are going door to door in Baghdad in the middle of sectarian

violence. If ever there is a description of a need for a change of course, that is it. I do not understand why some fail to recognize what has happened.

You can go back to February, you can go to June, you can go to the disclosures and read them. This one is June:

''Al-Qaida regroups in new sanctuary in Pakistan border.''

While the U.S. presses its war against insurgents linked to al Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military, intelligence and law enforcement officers said. The threat from the radical Islamic enclave in Waziristan is more dangerous than from Iraq, which President Bush and his aides called the central front of the war on terrorism, said some current and former officials. Bin Laden himself is believed to be hiding in the region guiding a new generation of lieutenants and inspiring allied extremist groups in Iraq and other parts of the world.

I don't, for the life of me, understand the failure to recognize a set of facts. This reminds me of the period prior to the invasion of Iraq—a set of information that on its face later turns out to have been wrong.

We don't need to be told what is right or wrong in terms of the set of facts—read the facts, understand the facts. If the central threat to our country, the greatest threat to our country, according to National Intelligence Estimates, is al-Qaida and its leadership and its reconstruction of its system of terror and the development of new terrorist camps, if that is the case then, that is where America has to be to wage the fight against that kind of terrorist group. Instead, we are in the middle of a civil war. That is why we need a change in course, a change in strategy.

It is not as some of my colleagues talk about, a plan for surrender. It is simply deciding we are going to attack and launch an effort to destroy that which represents the greatest threat to our country. It is surprising to me that 6 years later there is anyplace on the planet Earth that should, by our national intelligence officials, be declared safe or secure for the leadership of al-Qaida. Yet that is exactly what we read and what we hear and what we see in official reports. That is not something we should accept.

I wish briefly today to talk about the results of a hearing that the Democratic Policy Committee held this morning. The hearing was about the subject of contractors in Iraq and also the subject of what are called whistleblowers, those are people who are, in many cases, very courageous people who blow the whistle on waste, fraud, and abuse on behalf of the taxpayers of America; to say this is wrong and it must stop.

We had some very disturbing testimony this morning. We had eight witnesses. Four of them were whistleblowers. They have paid dearly for having the courage to come forward.

Let me read the testimony of a Donald Vance, U.S. Navy veteran; 30-year-old U.S. Navy veteran. When leaving the Navy, he chose to go to Iraq as a civilian to help American efforts to rebuild the country. He worked for a couple of private military contractors in Iraq. Here is what happened to him.

What he saw with respect to the last contractor he worked with was the sale of weapons, the sale of stolen weapons to interests who should not have weapons, insurgents and others. So he began to report it. It was something he believed very seriously. He reported it to his superiors. He reported it to the FBI. He reported it to U.S. military officials.

As a result, this U.S. Navy veteran found himself in big trouble. Here is what he said.

Because of the information I possessed and because of my unwillingness to condone the corruption in the company that I saw, I became a target within the company. They took measures to ensure that I could not leave their compound in the Red Zone in which [they] were located. When I called the United States government for help, [the U.S. Government] came to the compound to rescue me. But what started as a rescue ended up as a nightmare.

That night I was taken to the United States Embassy and debriefed. I told the agent that questioned me everything I had witnessed [about the sale of illegal guns and illegal activity that had gone on.] I also told him that I was informing for the FBI. Instead of contacting the FBI to verify the information I provided, these U.S. government officials blindfolded me, handcuffed me, and took me into detention. According to the Department of Defense spokesperson, they did not bother to contact the FBI until three weeks into my detention. To this day [he said] even though the Freedom of Information Act requests [have been made] no government official has explained what was asked of the FBI regarding myself and what the FBI said in response.

I spent 97 days in . . . isolation. I was denied food and water. I was denied sleep. I was also denied requested, and much needed, medication. There was intolerably-loud heavy metal and country music blaring into the cells. The lights in the cells were always on. The guards would threaten me and physically assault me. For example, the guards would walk me into walls while I was blindfolded and handcuffed, ''shake down'' my cell for contraband, threaten to use excessive force if I did not obey all of their orders. Finally, for the first few weeks I was [in this prison] I was denied a phone call. No one in my family knew where I was, if I was alive or if I was dead.

During [that] time I was interrogated constantly. Before each session, I would ask for an attorney. The request was invariably denied. Instead, I was interrogated by a host of United States government personnel, including FBI agents, Navy Criminal Investigative Service officers, as well as possibly CIA and DIA agents. . . .

According to the government, I was being held as a security internee because of my affiliation with [the private security firm], certain members of which the government believed were selling weapons to insurgents. . . .

Three months after I was detained, and after alleged subsequent ''re-examination'' of my case, the government released me. Before I was released, however, I had one final interrogation. The main focus of that interrogation was what was I going to do when I got home: Was I going to write a book? Was I going to tell the press? Was I going to get an attorney?

When they released me, he said, they ''gave me a $20 bill and dumped me at the Baghdad airport to fend for myself without the documentation I needed to return to the United States.''

A whistleblower who saw illegal activity, saw the selling of improper guns in Iraq, some to insurgents, he felt, went to authorities. His country, the United States of America, held him prisoner for 97 days. No habeas corpus—which is in the Constitution, by the way. No right of habeas corpus for an American citizen here. No right to contact an attorney. If this doesn't disturb the American people, I don't know what will disturb the American people.

We heard today from other witnesses talking about two things. One was the abuse of the taxpayer by contracting firms in Iraq—waste, fraud, and abuse that represents I think some of the worst waste, fraud, and abuse in the history of this country. I have held, I believe, 10 or 12 hearings on this subject as chairman of the Policy Committee over the last 3 years. The evidence is unbelievable: $40, $45 for a case of Coca-Cola. It doesn't matter, the taxpayer is going to pay for that. You order 50,000 pounds, 25 tons of nails, and they deliver the wrong size, it doesn't matter, throw them on the sand of Iraq, the taxpayers will pay for it. Or a $7,000-a-month lease payment for an SUV.

Henry Bunting over in Kuwait, working for Halliburton—KBR, a subsidiary of Halliburton—he had a job as a purchaser. He said, as a small example, I was supposed to order hand towels for the American troops so I filled out an order to order white hand towels. My supervisor said: No, we don't want those white hand towels. We want hand towels with KBR, the logo of our company, embroidered on the towels. Henry says: But it will triple the cost. The supervisor says: It doesn't matter, the American taxpayer is paying for this. It is a cost-plus contract; don't worry about it.

These are small items, but there are large items. It is unbelievable the amount of waste, fraud, and abuse we have uncovered. The fact is, there seems to be an attitude in some parts of this Government to sleepwalk through it all. It doesn't matter. It just doesn't matter.

Can you imagine a circumstance where a contractor, in this case Halliburton, KBR, is charging us for 42,000 meals a day it is providing American troops, American soldiers—42,000 meals a day, and it turns out they are only giving 14,000 meals a day? They overcharged by 28,000 meals a day, according to Government estimates. How do you miss 28,000 meals a day?

The evidence is unbelievable when you go through this. This morning we had a hearing about contracting abuse. We had testimony. I read some from Donald Vance, who worked for a contractor in Iraq and was imprisoned by

his Government for 97 days, not given the right to an attorney, not given the right to contact anybody on the outside at any time during the early stages of that confinement. That is unbelievable.

Bunnatine Greenhouse testified once again this morning, the highest ranking civilian official in the U.S. Army Corps of Engineers. She said the abuse related to the awarding of contracts—here is what she said exactly. This is the highest ranking civilian official in the U.S. Army Corps of Engineers.

I can unequivocally state that the abuse related to the contracts awarded to KBR—

that is a subsidiary of Halliburton—

represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Do you know what happened to this woman for that? She lost her job. That is unbelievable, when you think about it. I talked to Secretary Rumsfeld about this case. I talked to Secretary Gates about this case. I talked to Deputy Secretary England about this case—nothing. Oh, we are all looking at it, we are all investigating. They have been doing that for 2 years.

I called the commanding officer of the Army Corps of Engineers when Bunnatine Greenhouse was given this job. This is a woman with three master's degrees, judged by everyone from outside the Government who deals with contractors as outstanding, given outstanding references on her performance reviews all along, until somehow she got into a situation where she said: I saw things going on with sole-source contracting, awarding big contracts, billions of dollars of contracts and doing it improperly, abusively. ''I blew the whistle,'' she said, and all of a sudden she got into trouble and they demoted her.

I called her former commanding officer, General Ballard, now retired. I called him at home one night and I said: Tell me about Bunnatine Greenhouse, because she has paid for her courage to speak out with her career. Here is what her boss said: ''She did an outstanding job.'' This is an outstanding employee. But because she had the courage as a whistleblower to stand up and report things that were wrong, abusive behavior, behavior that abuses the American taxpayer, she paid for it with her job.

We can't let that continue to happen. That is why I held this hearing. The best disinfectant for bad behavior is sunlight, and I hope, as we continue to expose more and more of this, I hope we can put an end to it. Those who have the courage to come forward and report wrongdoing, to report waste and fraud and graft and corruption—in my judgment, we ought to thank them. There is a story, I don't have a copy of it here, a story in the USA Today newspaper, written by an investigative reporter, that deals with these issues, the issues of oversight of contractors and the oversight of contracts that are let with respect to the war in Iraq. What we have found—Senator WYDEN and I have worked on this in the Senate—the Pentagon wants to hire companies to oversee other companies. You can't do that. You can't delegate that responsibility. Who is looking out for the taxpayer here?

We had testimony today from Robert Isackson. Robert Isackson is a patriotic American. He was someone who saw criminal activity with a company called Custer Battles. He reported it. For that, he and others who were with him were surrounded by people with guns, threatened. He came today and expressed profound disappointment at the way the Federal Government has responded or failed to respond. As a person who had the courage to be a whistleblower, who saw something wrong and decided to try to right it, as a person who stood up for the best interests of this country and its taxpayers, we owe him a debt of gratitude.

And yet we see today that what has happened, systematically—the Associated Press wrote a big article about this, exposing it. What has happened systematically under this administration to whistleblowers is they are abused, not protected; not thanked, but abused. I would hope whoever in this administration is responsible and listening and understanding might decide that has to stop.

I will speak more at some point soon about the results of this hearing. My colleague Senator GRASSLEY from Iowa I know has spent a lot of time on whistleblower issues, and other colleagues have as well. It is very important for us that when people come forward to report acts of wrongdoing, fraud, waste, abuse, that this country says thank you and follows up and will not allow those people to be abused and penalized. Yet, all too often, that has not been the case. It has to change.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak, and then the Senator from Alaska, Ms. MURKOWSKI, be able to speak.

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

NOMINATIONS

Mr. HATCH. Mr. President, I want to address my colleagues for just a few minutes on the subject of nominations to the Department of Justice and to the Federal judiciary.

Our obligation is the same for each, to focus on the qualifications of nominees through a process that respects the separation of powers.

First, let me say that the President has made a first-rate nomination by choosing Judge Michael Mukasey as the next Attorney General of the United States. He will bring to this vital leadership post 16 years of private legal practice, 4 years as a Federal prosecutor, and 19 years as a Federal judge.

He headed the Official Corruption Unit during his service as Assistant U.S. Attorney in the Southern District of New York. And he served as Chief Judge during his last 6 years on the U.S. District Court for the Southern District of New York.

By any reasonable or objective measure, Judge Mukasey is clearly qualified to lead the Justice Department.

I want also to draw attention to an aspect of Judge Mukasey's experience and record that makes him particularly qualified to lead the Justice Department at this challenging time in our history.

The U.S. District Court is divided into 94 geographical districts. These districts' caseloads vary widely, reflecting the characteristics, demographics, and realities in those districts.

The Southern District of New York, where Judge Mukasey served for 19 years and which he led for 6 years, is no different.

Serving in that key judicial district led Judge Mukasey to confront the terrorist threat to America long before the 9/11 attacks. He presided over the prosecution of Omar Abdel Rahman and sentenced him to life in prison for his role in the 1993 plot to blow up the World Trade Center.

When the U.S. Court of Appeals for the Second Circuit affirmed Judge Mukasey's decision, it took the unusual step of commenting specifically on how he had handled the trial. The appeals court said Judge Mukasey ''presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.''

That is a remarkable statement. Appeals courts review lower court decisions, but very rarely do they comment in this manner on lower court judges.

That case occurred before the 9/11 terrorist attacks.

Ten years later, after those attacks, Judge Mukasey ruled that the President had authority to designate Jose Padilla as an enemy combatant against the United States and that, even as an enemy combatant, he must have access to his lawyers. Padilla was eventually convicted of providing material assistance to terrorists.

Legal analyst Benjamin Wittes wrote about this case in the journal Policy Review and said that Judge Mukasey's decision was ''the single most compelling judicial opinion yet written on the

due process rights of citizens held as enemy combatants.'' That is high praise indeed.

This background and experience with national security and terrorism cases make Judge Mukasey especially qualified to lead the Department of Justice at this time in America's history.

The Justice Department is being retooled and redirected in light of the war on terror, including creation of its new National Security Division.

Many of the issues in this area may begin with legislation, but end up in the courts. Having someone at the helm with experience not only as a prosecutor but as a judge evaluating these very issues will be invaluable.

In addition to these qualifications are important personal and character qualities which I believe we need in our leaders.

A Federal judge's law clerks probably know better than anyone how the judge thinks, how he approaches the law, how he handles tough issues, and how he treats others.

I ask unanimous consent to have printed in the RECORD a letter signed by 43 of Judge Mukasey's former law clerks.

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

(See exhibit 1.)

Mr. HATCH. This letter describes his decisiveness and mastery of the law, as well as his fairness, humility, and commitment to public service.

We must evaluate Judge Mukasey's qualifications and character through a process that respects the separation of powers.

The Constitution gives the President authority to appoint members of his Cabinet, including the Attorney General. While the Senate has a role in checking that authority, ours is not a coequal role with the President, and we may not use our confirmation role to undermine the President's appointment authority.

Some of my colleagues may want to use these nominations to fight policy or political battles. Those fights are for the legislative process or the oversight process, but not the confirmation process.

Some of my colleagues have even hinted that they may manipulate the confirmation process for Judge Mukasey in an attempt to force compliance by the Bush administration with certain demands on other issues.

That kind of political extortion would be wrong.

The Justice Department needs leadership now, and Judge Michael Mukasey is qualified and ready for duty now.

During my 31 years in this body, we have taken an average of 3 weeks to move an Attorney General nominee from nomination to confirmation. There is no reason we cannot meet that standard with the excellent and well-qualified nominee now before us.

The same two obligations apply to nominations to the Federal bench.

Let me repeat, we must focus on a nominee's qualifications through a process that respects the separation of powers.

It is a curious fact of recent American history that, like the situation today, the last three Presidents each faced a Senate controlled by the other political party during his last 2 years in office. Two of those presidents were Republicans, one was a Democrat.

During those last 2 years of a President's tenure, the Senate confirmed an average of 91 judges, 74 to the U.S. District Court and 17 to the U.S. Court of Appeals.

This is only one way of measuring confirmation progress, and I realize some may not care a bit about what has happened in the past. But for those who do, I simply offer this as a yardstick, a gauge of the progress we are making today.

The last 2 years of those previous Presidents' tenures are an obviously parallel measure for us today, since we are in the last 2 years of President Bush's tenure.

We are nearing the end of September and have confirmed just three judges this year to the U.S. Court of Appeals. The last one was nearly 5 months ago.

At the same point in this same year during those last three administrations, the Senate had confirmed an average of six appeals court nominees, twice as many.

Meanwhile, the vacancy rate on the U.S. Court of Appeals continues to rise, and is nearly 10 percent higher than when President Bush was reelected.

By raising this issue, I run the risk of some talking about what they like to call pocket filibusters of Clinton nominees. This cute but profoundly misleading phrase is intended to suggest that the Republican Senate blocked Clinton judicial nominees, the number they use varies all the time, who all could have been confirmed.

I will say just two things about this well-worn mantra.

First, a certain number of nominees of every President remain unconfirmed for a variety of reasons. Anyone who pretends otherwise is trying to mislead the American people about how the confirmation process actually works.

Some Clinton nominees were withdrawn, others were opposed by home-State Senators, others were nominated too late to be evaluated. Honestly taking these and other factors into account shows that the margin of error by these critics tops an astonishing 400 percent.

The second response is simpler. President Clinton appointed 377 Federal judges with a Senate controlled by the other party for 6 of his 8 years in office.

This is second only to President Reagan's 383 judicial appointees with a Senate controlled by his own party for 6 of his 8 years in office.

We need to make more progress confirming judicial nominees. The needs of the judiciary and the yardstick of history indicate that we are not doing our duty.

President Bush has the lowest judicial confirmation rate, overall, and for appeals court judges in particular, of any President during my three decades in this body.

Instead of making the confirmation progress that we should, we see a series of steadily changing standards, whatever it takes to defeat the nominations of good men and women.

I have spoken here on the floor several times about the attack on Judge Leslie Southwick, nominated to the U.S. Court of Appeals for the Fifth Circuit.

Opponents urge his defeat on the basis of just two of the 7,000 cases in which he participated, on the basis of two concurring opinions he did not write—not because he applied the law incorrectly, but because the opponents do not like the result of him applying the law correctly.

That standard is wrong and I hope it does not succeed.

I have here the Washington Post editorial from last month and I agree with its title. Judge Southwick is indeed qualified to serve.

The editorial says that while the Post does not like the results in the two cases that opponents highlight, they cannot find fault with Judge Southwick's legitimate interpretation of the law.

Judges are not supposed to deliver results that please this or that political constituency. Judges are supposed to correctly interpret and apply the law.

Judge Southwick is committed to that judicial role and he should be confirmed.

Now we see an attack on another nominee to the same court, Judge Jennifer Elrod.

When the Judiciary Committee reported her nomination to the floor yesterday, one of my Democratic colleagues questioned her qualifications for the position.

Judge Elrod, who currently serves on the State court trial bench in Texas, graduated cum laude from Harvard Law School and joined the State trial court bench after 8 years of private practice. For a dozen years, she served on the board and eventually chaired the Gulf Coast Legal Foundation, one of the largest legal aid organizations helping the poor in southeastern Texas.

Judge Elrod has as much judicial experience as did Sandra Day O'Connor when she was unanimously confirmed to the Supreme Court of United States. In fact, when you include Judge Elrod's 2 years clerking for U.S. District Judge Sim Lake, Judge Elrod has more judicial experience, and more Federal court experience, than did Justice O'Connor.

I voted for Justice O'Connor, I certainly believed she was qualified for the Supreme Court, and I know that Judge Elrod is qualified for the Fifth Circuit.

But Democratic colleagues in the Judiciary Committee also questioned

Judge Elrod's fitness for the Fifth Circuit because of her race. One colleague said that we must consider the race of sitting judges as well as judicial nominees as we proceed through the confirmation process.

The implications of this view are troubling, to say the least. This means that no matter what a nominee's qualifications, no matter what her experience or background, no matter what she would bring to the bench, a nominee's race can, and some apparently believe even should, trump her merit.

Appointing judges based on race is an inappropriate standard that I cannot accept.

Like Judge Southwick, Judge Elrod has been nominated to a vacancy open so long that the Administrative Office of the U.S. Courts has designated it a judicial emergency.

Like Judge Southwick, Judge Elrod should be confirmed without further delay.

Evaluating nominees and deciding whether to consent to their appointment is a unique and profound responsibility of this body. As we examine the nomination of Judge Mukasey to be Attorney General or the nominations of Judge Southwick and Judge Elrod to the Fifth Circuit, I urge my colleagues to focus on their qualifications. I urge my colleagues to fulfill our responsibility through a process that respects the separation of powers. I urge my colleagues to reject inappropriate standards such as political litmus tests or race.

Our judiciary is the best and most independent in the world, and I hope we will preserve this tradition in our confirmation actions and decisions in the weeks and months ahead.

EXHIBIT 1

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN LEAHY, and RANKING MEMBER SPECTER: We served as law clerks for the Honorable Michael B. Mukasey, former Chief Judge of the United States District Court for the Southern District of New York and the President's nominee for Attorney General of the United States. Each of us had the privilege of working closely with Judge Mukasey and observing this man of great intellect, integrity, honor, and judgment. We write to express our enthusiastic support for Judge Mukasey's nomination.

Judge Mukasey's reputation as a careful and wise jurist is well deserved. In each of his cases, Judge Mukasey based his decisions—always thoughtful, carefully crafted, and well-reasoned—on the application of governing laws and legal principles to the facts. As a trial judge, he controlled the courtroom through his decisiveness and mastery of the rules of evidence. In the performance of his judicial duties, the Judge taught us the importance of modesty and humility, for he recognized that with his position came great responsibility that had to be exercised prudently and with care. All who appeared before him were treated with fairness and respect. And as Chief Judge of the district for six years, he managed one of the nation's busiest and most respected courthouses, all the while attending to a full docket of cases.

Because of the close relationship between law clerk and judge, we came to know Judge Mukasey not only as a jurist, but also as a person. The Judge is kind, caring, loyal, ethical, and modest, with a disarming wit and robust sense of humor. He was a wonderful teacher, sharing with us his insights into life, law, and lawyering. Even after leaving our clerkships, the Judge has joined in our significant life events and provided invaluable advice—from attending our weddings, to visiting us following the births of our children, to assisting us with career choices. He remains a true friend and mentor.

Finally, Judge Mukasey is deeply patriotic and has spent most of his career in public service, first as an Assistant United States Attorney—a job he speaks of with great pride even years later—and then as a judge. Notwithstanding the immense imposition on him and his family that resulted from the terrorism cases over which he presided, the Judge proceeded without complaint or hesitation, seeing it as part of his duty to the country he loves.

The President has now asked Judge Mukasey to serve our country again, this time as Attorney General of the United States. We are certain that he will make an outstanding Attorney General. Judge Mukasey's keen intelligence, independence and judgment will bring to the country as a whole and to the Department of Justice in particular strong leadership and integrity.

We urge you to confirm him as Attorney General without delay.

Sincerely,

Steven M. Abramowitz, Clerk for Judge Mukasey, 1990–91; Laura Adams, Clerk for Judge Mukasey, 1992–93; David Altschuler, Clerk for Judge Mukasey, 2005–06; Elisabeth Bassin, Clerk for Judge Mukasey, 1989–90; Matthew Beltramo, Clerk for Judge Mukasey, 1997–98; Heana H. Kutler, Clerk for Judge Mukasey, 1995–96; David Leinwand, Clerk for Judge Mukasey, 1991–92; Justin D. Lerer, Clerk for Judge Mukasey, 2002–03; Russell L. Lippman, Clerk for Judge Mukasey, 2001–02; and Nicole Mariani, Clerk for Judge Mukasey, 2005–06.

Babette Boliek, Clerk for Judge Mukasey, 1998–99; William A. Braverman, Clerk for Judge Mukasey, 1994–95; Gidon M. Caine, Clerk for Judge Mukasey, 1988–89; Andrew J. Ceresney, Clerk for Judge Mukasey, 1996–97; Daniel Park Chung, Clerk for Judge Mukasey, 2004–05; David Cross, Clerk for Judge Mukasey, 2003–04; Thomas Dahdouh, Clerk for Judge Mukasey, 1988–89; Inayat Delawala, Clerk for Judge Mukasey, 2004–05; Anne Osborne Martinson, Clerk for Judge Mukasey, 1990–91; and Zachary S. McGee, Clerk for Judge Mukasey, 1997–98.

Sanjay Mody, Clerk for Judge Mukasey, 2003–04; Shawn Morehead, Clerk for Judge Mukasey, 2000–01; Florence Pan, Clerk for Judge Mukasey, 1993–94; Frank Partnoy, Clerk for Judge Mukasey, 1992–93; Mickey Rathbun, Clerk for Judge Mukasey, 1987–88; Katherine J. Roberts, Clerk for Judge Mukasey, 2001–02; Jenny C. Ellickson, Clerk for Judge Mukasey, 2003–04; Michael Farbiarz, Clerk for Judge Mukasey, 1999–00; Jesse M. Furman, Clerk for Judge Mukasey, 1998–99; and Bruce Goldner, Clerk for Judge Mukasey, 1993–94.

Nola Breglio Heller, Clerk for Judge Mukasey, 2004–05; Mary Holland, Clerk for Judge Mukasey, 1989–90; Michael Jacobsohn, Clerk for Judge Mukasey, 2005–06; Emil A. Kleinhaus, Clerk for Judge Mukasey, 2002–03; Ilissa Rothschild, Clerk for Judge Mukasey, 1987–88; Andrew A. Ruffino, Clerk for Judge Mukasey, 1995–96; Sarah Russell, Clerk for Judge Mukasey, 2002–03; Hattie Ruttenberg, Clerk for Judge Mukasey, 1991–92; Eli Schulman, Clerk for Judge Mukasey, 1999–00; and Ian Shapiro, Clerk for Judge Mukasey, 2000–01.

Paul Spagnoletti, Clerk for Judge Mukasey, 2001–01; Debra Squires-Lee, Clerk for Judge Mukasey, 1996–97; Alisa Jancu Kohn, Clerk for Judge Mukasey, 1994–95; and David B. Toscano, Clerk for Judge Mukasey, 1994.

Mr. HATCH. I personally thank my colleague from Alaska for allowing me to go forth and to make these comments. I am grateful to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

IRAQ

Ms. MURKOWSKI. Mr. President, we have had a very good, healthy debate in the Senate this week on the subject of the war in Iraq. Sometimes it has been more spirited than usual. At times, it was spirited to the point where some things were said that perhaps did not further a good constructive debate but took the debate a little bit downhill. We in the Senate recognize it is our job to bring forward the issues, to discuss the very difficult considerations that are before us as a Congress, but to always do it in a manner that reflects the level of civility a truly good discourse, a good debate should bring.

I had an opportunity a couple days ago to speak with a general from my home State. I asked him for his comments on what he was seeing as he was watching our debate. He said: Senator, the debate has been good. The debate has been healthy. There clearly are different perspectives that are coming out on the floor, but through it all, no one has foresworn the soldier. He said: That makes me feel good as an American, certainly good as a military leader.

That is important to remember, that in the heat of debate, we not foreswear our military, that we always honor and respect that which they do in such an honorable way.

I personally want to thank Senator WEBB, the junior Senator from Virginia, for bringing forth an issue this week. This was the amendment he introduced that related to the amount of dwell time, the amount of time deployed versus the amount of time a serviceman stays at home. It was important for us to focus on the support side of our military. We know that those who are serving us over in Iraq and Afghanistan, and truly in all parts of the world, where they are separated from their families, are at their best and serving us to their fullest when they are able to focus on their job.

For those families who remain behind, who miss not having dad or mom at home or miss not having their husband or their wife with them, they

wish the circumstances were otherwise. But we know that the families who have stood behind our service men and women, allowing them to serve—it is these families, too, who are serving our country. We need to recognize the sacrifices those families also make. They may not be on the front lines, but there is no shortage of worry and concern and true anxiety over the health and safety of their loved ones. We put our military families through a great deal of stress at a time of war particularly.

Just as we can never adequately tell our service men and women thank you enough, neither can we say thank you enough to the families who provide that support. I thank Senator WEBB for reminding us of the obligation we owe to the military families themselves.

We all have our own stories of the exchanges we have had with the military families in our respective States. A situation that is very clear in my mind, even well over a year later, was an incident that happened in July 2006. This was, specifically, July 27 in Fort Wainwright, AK, near Fairbanks, where it was publicly announced that the men and women of the 172nd Stryker Brigade Combat Team were going to be extended in Iraq for 120 days. There was some uncertainty as to whether it was just 120 days or whether it would go even beyond. This Stryker Brigade had been serving very admirably, honorably in a difficult part of Iraq and had been there for a year. This decision literally pulled the rug out from under the families and the community in Fairbanks. It was a surprise, a shock to the servicemembers and their families.

At the time that extension was announced, some elements of the 172nd had already returned home. They were back in Alaska. There were airplanes that were transporting other elements back home that literally turned around in midair when they got the notice of the extension. Soldiers who had remained behind in Iraq were packing up the unit. They had heard the rumors that they might be extended. Unfortunately, they heard it from their family members back in Fairbanks, who had heard it on the news and then contacted their loved ones over in Iraq. They made some very difficult phone calls confirming that, in fact, the rumors were true.

This was an absolutely unacceptable situation. It is one thing to be prepared for an extension. It is one thing to know this is your commitment. But when your family is anxiously awaiting you, when you are anxiously awaiting your return after a year's service in combat, it was horrible for the families.

I was in Fort Wainwright a couple days after the announcement of the extension. At the front gate of the post they have a chain-link fence that goes for a mile or so. In anticipation of the return of their loved ones, families had pulled together the homemade banners saying, ''Welcome home, Daddy. We miss you, we love you, we can't wait to see you.'' Those signs, some of them clearly in children's writing, absolutely broke one's heart because those signs were made with great anticipation and then put up on the fence. They were not going to be seeing dad that next day or that next week. They were not going to be seeing their husband as a consequence of the extension. As a consequence of that extension, there were a few who never came home at all.

This was a difficult situation, of course, for the families, for the soldiers. It certainly brought me much closer to many of those military families. It caused me to set in mind a singular goal: that we were going to bring the 172nd Stryker Brigade Combat Team home without any further extension. This was tough enough, this 120-day extension, but we were going to make sure there was no further extension.

To the Army's credit, they stepped up to the plate. They brought a very extensive menu of family support services that we had never seen before.

The Fairbanks community, which has always been extremely welcoming, loving toward our military—gave an outpouring of support. They truly went above and beyond.

The other thing we saw at that time was the strength of the family readiness groups, the women, the wives who had for a year been holding everybody together, encouraging the younger wives who had never gone through deployment. There was a great deal of camaraderie, a great deal of support. The support from those family readiness groups helped them get through the additional 120 days.

In December of last year, the 172nd Stryker Brigade Combat Team came home. There was no further extension. They were able to be home for Christmas. They were able to return because another unit that was ready to go broke dwell and went over early to relieve the 172nd. That speaks volumes about the sacrifices the men and the women of our military and their military families make every day supporting our Nation and supporting each other.

I was at Fort Wainwright in December when the returning soldiers were arriving. I spent one afternoon greeting planeload after planeload of soldiers. We were in a hangar where they were checking in weapons and awaiting transport to greet the families. These soldiers, from the junior enlisted up to the rank of colonel, were extremely positive about the work in Iraq. They told me, absolutely, they were making a difference. They were tired after 16 months of combat. They were absolutely elated to be home. They were very proud of themselves, of their colleagues, as we were proud of them.

As I was standing in line, there was one young man from North Pole, AK, which is not too far from Fort Wainwright. I said: So you are home. What are you going to be doing?

He said: I have a house. My house is going to be kind of the welcome home, the party house, if you will, for all the single guys and all the guys whose girlfriends have left them in the past year, for those guys whose wives are not going to be here.

He got very serious in that conversation.

I said: Do you have a lot of those men who have come home to find that their relationships are no longer intact?

He said: Yes, it is an unfortunate part. But we have been gone for a long time.

He was a young man who was single. But that, too, pulls at your heart, to know that you come home after serving your country and the relationship you had worked so hard to build prior to your departure is now no longer there.

The extension of the 172nd made me angry at that time, very angry, very frustrated—and not necessarily because our soldiers were extended. We know that it is the soldiers' creed that you put your mission before yourself. You never quit.

But I was upset because our soldiers and our families were forced to endure an abrupt reversal of what they had been promised. They had been promised: You are going to be home in a year, and they were not back in a year. Their families had been promised: You have to wait this long, but it turned out not to be true.

I have young kids. The Presiding Officer has young children. The Presiding Officer knows how children wait for something, whether it is a holiday or school to start or school to end. They put it on the calendar, and they count the days down. When the calendar has run out and that much-anticipated episode is supposed to happen and it does not happen, the disappointment of the child is very difficult. It is difficult as an adult to bear it, but we see what our children go through with extensions like this. It does make you angry that we failed to keep our promise.

Now, I have had many opportunities to meet with the spouses of those who are serving, both men and women. I have had an opportunity to meet with the family readiness groups. I think probably the most difficult meeting of any I have had with family members was a sitdown, literally a sitdown on the floor of a classroom at an elementary school on post. Children of the deployed military men and women got together for a counseling session with the school counselor. I was touring the school at the time and was able to meet with the kids and sit down in a circle as they were drawing cards to send to their mostly dads over in Iraq—there were a couple over in Afghanistan—and to talk to these children about their life with their parent gone, and gone for a long time in a child's eyes.

I talked to one little girl. She was 11 years old. Her dad has been deployed seven times. Now, I did not ask her how

long each of those deployments was because when you are 11 years old, seven deployments is a lot of time out of a young girl's life. We have to remember not only—not only—what is happening in the military fight, not only what is happening on the streets of Baghdad, but we need to always keep in mind what our military families are doing in their service to support their loved ones who are serving us. So these were the considerations which were on my mind and wrestling with when we took up the Webb amendment this week.

It is important for people to understand the U.S. Army has a policy that one-to-one dwell time—in other words, 1 day deployed, 1 day home—one-to-one dwell time is the minimum acceptable dwell. This is not only to allow soldiers the opportunity to reset but also to meet the training and force structure needs. It is the minimum necessary to balance reliance on the use of the Active and the Reserve Forces.

I keep saying this is the minimum time. It is not an ideal period. The Army would actually prefer to adhere to its existing policy of 1 year in combat, 2 years out for the Active Forces. But the Army knows it cannot comply with its existing policy and meet the demands of staffing our efforts abroad. The Army discovered it could not comply as soon as this policy was announced.

When you think about that, you say: What does this say? What does this mean as far as our level of preparedness? Being prepared for war is not just making sure you have equipment you need. You have to have that human equipment. When we talk about resetting our equipment, we also need to be talking about resetting the human—the mind, the body, the spirit, and the attitude.

So when the Webb amendment was before us, I reviewed it very carefully. Contrary to some of the assertions made by some on this floor that I was strong-armed by the administration, that was not my situation. I sought out individuals whose judgment I trust. I did talk with several generals to understand the implications of the policy that was suggested—an inflexible policy, a policy that says it will be a one-to-one dwell time but without any flexibility.

I was concerned that in an effort to make sure this administration is paying attention to the military families, making sure we are giving the time we need to reset the soldier, that we were not locking ourselves into something that ties the hands of our generals, ties the hands of our military planners, and, as a consequence, yields unintended consequences that could possibly further jeopardize the safety and the security of those who are serving us in Iraq.

I did have an opportunity to meet with two of the senior military leaders. The senior Senator from Virginia had arranged for a meeting for several of us who had questions about this issue: Tell us what the implications of this policy are.

I sat down with one general who happens to be an Alaskan by choice, General Lovelace. He served several tours over at Fort Richardson and also with the Alaska Command at Elmendorf Air Force Base which is where I had known him previously. General Lovelace and General Hamm described the consequences our troops on the ground would face if the amendment before us at that time had been adopted. They mentioned a shortage of people to protect our troops from the IEDs, the improvised explosive devices. They talked about a shortage of truck drivers and mechanics, a shortage of infantry, quite possibly a shortage of senior noncommissioned officers and midcareer officers, greater reliance on Reserve and Guard than is presently contemplated, and possibly further extensions of units that are presently in theater.

I thought about all of those, and while I do not know that all of them would have come true if we had adopted the Webb amendment this week, it concerned me greatly to think that through implementation of this amendment you could have the further extension of the units that are presently in Iraq, operating under an understanding they will be home by X date, and their family is operating under that similar assumption. That caused me great concern.

I made contact with the general who had been at Fort Wainwright at the time the 172nd had been extended. He is now the general at Fort Lewis with that Stryker Brigade unit. I asked him: Walk me through the implications. What would it have meant to the 172nd? What can it mean to your brigade at Fort Lewis? He reiterated several of the things I had learned in my conversations with General Lovelace and General Hamm. He also spoke to the strength of support that comes from the family readiness units that operate as a unit.

One of the concerns that an inflexible policy would bring is you would—in order to get some of these specialists I referred to, either additional infantrymen or additional mechanics, in certain areas or those who are skilled with the IEDs, disabling them—in order to make sure you have enough on the ground, you would have to be plucking from different units.

I thought back to what we learned there at Fort Wainwright. The thing that held those families together when they learned their husband, their brother, their son was not going to be coming home and instead was going to be extended another 120 days was the strength of that family readiness core unit. It had held everybody together.

If you separate those within the unit, you lose some of the strength and support because one of the families that had been a key member of that team has now been pulled to another unit. You lose some of the strength we have to provide for our soldiers as they are serving us. That is important to remember.

Supporting the troops, supporting their families means, first and foremost, we want to bring our troops home alive. We know military medicine is doing its part to treat those who have been injured, treating them in an expeditious manner. We are saving lives in Iraq today that would have been lost in Vietnam. That is a credit to so many. But still, the best way to come home alive is not to be injured at all.

This is what I had to come to grips with this week as we were debating this issue—whether adoption of an inflexible policy that might tie the hands of our military leaders, whether that would mean there are fewer people who would be watching the backs of the service men and women on the battlefield.

I do believe our current dwell policy must be revisited. For this time, for 2007 and 2008, what we have in place, the 15 months that have been accepted for this 12-month dwell period, it is not a perfect solution at all. I do not like it. I do not think our military leaders like it. They would prefer we were in a better place so we could provide for that equal dwell time. So I think it is important that even though the Webb amendment is no longer before us—it did not achieve the 60 votes—that we do not just kind of move on now, go to another aspect, and say the issue of dwell time is not important to us, is not important to those who are serving and their military families who are providing that support back home.

It has been suggested we could revise this policy as early as next year without causing this chaos which has been described by some of the generals. It is something we should be looking at. When we think about how we support those who are serving us, we have to remember it is unfair to our service men and our service women—who have already encountered personnel policies that turn on a dime, with multiple deployments and extensions—to endure safety risks that directly flow from an inflexible policy that keeps qualified and competent people off the battlefield. I said—and I will repeat—the current rotation may not be ideal. I don't think it is ideal. The military needs to be honest about not pushing people who are not fit for the battlefield into combat, and it needs to be honest in compensating people who have suffered debilitating mental health conditions and not take the easy way out of discharging based upon personality disorders.

The military needs to address these issues on an individual basis, and the Senate should hold them to it. We know the current rotation policy may very well cause some individuals to leave the service prematurely, but it will also cause others to step up and say: I have a great deal more to give, and I am not going to abandon my buddy.

When the Nation goes to war, we promise each and every individual on the battlefield that they will have the best support this Nation can muster. When we take people who are capable of performing off the battlefield, we have the potential to jeopardize the safety of those who remain.

The Presiding Officer was not here when I began my remarks, and I began those remarks by acknowledging what the Presiding Officer, the Senator from Virginia, has done in focusing the Senate's attention on the families of those who serve. I greatly appreciate that. I also appreciate the level of debate, the level of concern, and the level of genuine caring to make sure our policies do right by those who serve this country, not only on the battlefield but for those who are serving at home. I don't believe that debate or this discussion is over by any stretch of the imagination, but as we continue to debate the direction of this war, we should always make sure we are recognizing all who are serving.

I want to take just a very brief moment, as I have had an opportunity to join with my colleague, Senator CASEY from Pennsylvania, in introducing an amendment to the Department of Defense Authorization Act. This amendment calls for a civilian and diplomatic surge in Iraq. We spend a lot of time talking on this floor about the military component, what our force strength is, the relative success or failures in certain parts of Iraq. There has been a lot of focus on that aspect of the war. Yet as we talk to our military leaders, we hear from them that it is not a military solution alone. There must be a political resolve as well, and that political resolve must come about through diplomatic channels and resources and truly on the civilian side.

When General Petraeus was before the Foreign Relations Committee a week or so ago, I asked him at that time if he believed the civilian surge was adequate; did he have the assistance he needed to do the job, to complete the task. He said certain elements of our Government are at war, but not all of the others. We can use help in those areas, whether it is the Ministry of Agriculture or Treasury. There are areas that can be identified. So I have joined with Senator CASEY in calling for an equal push on the diplomatic front and on the civilian side. There is more that we can do and more that we should do so we are able to see the progress that all of us wish to see in the war in Iraq.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONDOLENCES ARE NOT ENOUGH

Mr. LEVIN. Mr. President, in the aftermath of the Virginia Tech massacre, Virginia Governor Tim Kaine commissioned a panel of experts to conduct an independent review of the tragedy and make recommendations regarding improvements to Virginia's laws, policies and procedures. Late last month, the Virginia Tech Review Panel released its report.

The panel was given the difficult task of reviewing the events, assessing the actions taken and not taken, identifying the lessons learned, and proposing alternatives for the future. This included a detailed review of Seung Hui Cho's background and interactions with the mental health and legal systems, as well as the circumstances surrounding his gun purchases. Additionally, they assessed the emergency responses by law enforcement officials, university officials, medical examiners, hospital care providers and the medical examiner. Finally, the panel reviewed the university's approach to helping families, survivors, students and staff as they deal with the mental trauma incurred by the tragedy.

Among other things, the report points to weak enforcement of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal privacy laws. It talks about the critical need for improved background checks and the inherent danger the presence of firearms can present on college campuses. Tragically, many proponents of gun safety legislation have previously unsuccessfully attempted to enact the very improvements recommended in the panel's report. The tragedy at Virginia Tech underscores the need to strengthen gun safety laws. I urge Congress to wait no longer in taking up and passing sensible gun legislation.

I ask unanimous consent to include the Virginia Tech Review Panel's primary recommendations regarding firearm laws in the RECORD.

VI–1 All states should report information necessary to conduct federal background checks on gun purchases. There should be federal incentives to ensure compliance. This should apply to states whose requirements are different from federal law. States should become fully compliant with federal law that disqualifies persons from purchasing or possessing firearms who have been found by a court or other lawful authority to be a danger to themselves or others as a result of mental illness. Reporting of such information should include not just those who are disqualified because they have been found to be dangerous, but all other categories of disqualification as well. In a society divided on many gun control issues, laws that specify who is prohibited from owning a firearm stand as examples of broad agreement and should be enforced.

VI–2 Virginia should require background checks for all firearms sales, including those at gun shows. In an age of widespread information technology, it should not be too difficult for anyone, including private sellers, to contact the Virginia Firearms Transaction Program for a background check that usually only takes minutes before transferring a firearm. The program already processes transactions made by registered dealers at gun shows. The practice should be expanded to all sales.

Virginia should also provide an enhanced penalty for guns sold without a background check and later used in a crime.

VI–3 Anyone found to be a danger to themselves or others by a court-ordered review should be entered in the Central Criminal Records Exchange database regardless of whether they voluntarily agreed to treatment. Some people examined for a mental illness and found to be a potential threat to themselves or others are given the choice of agreeing to mental treatment voluntarily to avoid being ordered by the courts to be treated involuntarily. That does not appear on their records, and they are free to purchase guns. Some highly respected people knowledgeable about the interaction of mentally ill people with the mental health system are strongly opposed to requiring voluntary treatment to be entered on the record and be sent to a state database.

Their concern is that it might reduce the incentive to seek treatment voluntarily, which has many advantages to the individuals (e.g., less time in hospital, less stigma, less cost) and to the legal and medical personnel involved (e.g., less time, less paperwork, less cost). However, there still are powerful incentives to take the voluntary path, such as a shorter stay in a hospital and not having a record of mandatory treatment. It does not seem logical to the panel to allow someone found to be dangerous to be able to purchase a firearm.

VI–4 The existing attorney general's opinion regarding the authority of universities and colleges to ban guns on campus should be clarified immediately. The universities in Virginia have received or developed various interpretations of the law. The Commonwealth's attorney general has provided some guidance to universities, but additional clarity is needed from the attorney general or from state legislation regarding guns at universities and colleges.

VI–5 The Virginia General Assembly should adopt legislation in the 2008 session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires. The panel recommends that guns be banned on campus grounds and in buildings unless mandated by law.

VI–6 Universities and colleges should make clear in their literature what their policy is regarding weapons on campus. Prospective students and their parents, as well as university staff, should know the policy related to concealed weapons so they can decide whether they prefer an armed or arms-free learning environment.

JUDGE MICHAEL B. MUKASEY

Mr. KYL. Mr. President, I rise in support of the nomination of Judge Michael B. Mukasey to become the Nation' s 81st Attorney General.

Judge Mukasey has devoted more than 22 years to public service, 4 as a Federal prosecutor and more than 18 as a Federal district court judge for the Southern District of New York, one of the most prominent Federal district courts in the United States. For 6 years he was the chief judge.

During his tenure on the bench, Judge Mukasey handled some of the most challenging cases in recent history. In 1995, he presided over the terrorism trial of the ''blind Sheik'' Omar Abdel Rahman and nine other defendants accused of plotting terrorist attacks on various sites in New York City. Rahman was also one of the terrorist masterminds of the 1993 World Trade Center bombing.

While presiding over the case of Jose Padilla—an American citizen who was later convicted of, among other things, conspiring to provide material support to al-Qaida—Mukasey issued key rulings that helped set judicial precedent in the war against terrorists. And in the wake of September 11, 2001, he presided over the difficult litigation of World Trade Center—related insurance claims.

During these cases and throughout his career, Judge Mukasey's knowledge, integrity, and consummate fairness have won him the respect of his colleagues, the attorneys who appeared before him, and many others. In its opinion upholding the verdicts in the 1995 terrorism case, the U.S. Court of Appeals for the Second Circuit in an unusual public commendation praised Mukasey' s ''extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury.'' The court added, ''[h]is was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.''

Judge Mukasey's career has been characterized by his commitment to upholding the rule of law. He has never served in a political role, and his nomination should be considered above the partisan fray.

According to the Justice Department's mission statement, the Attorney General's first allegiance should be to ''the fair and impartial administration of justice for all Americans,'' not to any individual or political party. Indeed, Judge Mukasey's reputation for fairness and impartiality is so well-known and respected that the senior Senator from New York, Senator SCHUMER, even recommended him to be a Supreme Court justice.

It is unfortunate, however, that despite the nonpolitical character of Mukasey's nomination, some Democrats may attempt to hold his nomination hostage in exchange for documents related to the firing of U.S. attorneys. Leaving aside the fact that Congress has no right to these documents, which are covered by executive privilege, Judge Mukasey's nomination has nothing to do with the firing of these U.S. attorneys.

The President has nominated a distinguished and nonpolitical candidate. The Senate should reciprocate by using the confirmation process not to settle old scores or politicize the nomination, but to examine the qualifications of the nominee fairly.

Since the Carter administration, attorney general nominees have been confirmed, on average, in approximately 3 weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey's nomination and confirm him before Columbus Day.

The Justice Department needs an Attorney General with the foresight, experience, and resolve to lead the Nation's top law enforcement agency and tackle the difficult challenges presented by the post–9/11 world. I believe the qualities and background of Judge Michael Mukasey, combined with his extensive experience in national security and terrorism cases, commends him to serve as attorney general in these troubled times.

TRAILS ACT TECHNICAL CORRECTION ACT

Mr. BOND. Mr. President, today I rise with my colleague from Missouri, Senator CLAIRE MCCASKILL, to correct a small but important injustice in the National Trails System Act. The Trails Act Technical Correction Act of 2007 is a Senate companion to a bipartisan House bill sponsored by Representatives CARNAHAN, AKIN, CLAY, EMERSON, and GRAVES. Our bipartisan bill will ensure that property owners are compensated for land taken from them as Congress intended.

In 1992, the Federal Government confiscated property owned by 102 St. Louis County residents through the Federal Rails-to-Trails Act. The taking imposed an easement on their property for a public recreational hiking/biking trail. A trail easement was established on their property on December 20, 1992. After 12 years of bureaucratic fighting and delay, the Justice Department admitted the government's takings liability and agreed to pay the property owners a total of $2,385,000.85 for their property, interest and legal fees.

However, 2 days before the U.S. Court of Claims was scheduled to approve the agreement, the Federal circuit issued the Caldwell decision regarding a Rails-to-Trails takings case in Georgia. That decision interpreted the statute of limitations for a taking in this program as beginning with a notice of interim trail use, not the commonly understood later date the trail easement was legally imposed on the property. Under the new date, the statute of limitations on the St. Louis County takings claim had expired. The Justice Department accordingly sought dismissal of the claims without payment and the court of claims judge agreed.

Our bill clarifies in statute that the statute of limitations for a takings claim under the Trails Act begins on the date an interest is conveyed and allows for reconsideration of past claims dismissed because of this issue. This technical clarification—the takings statute of limitations starts upon the taking—makes the most sense. It also corrects a past injustice that deprived landowners of their rightful compensation. It makes no change to the substance of the Rails-to-Trails program and is supported on a bipartisan basis. I urge my colleagues to agree to its passage.

INTERNATIONAL DAY OF PEACE

Mr. HARKIN. Mr. President, I want to take some time to remind our colleagues, and indeed all Americans, that today, September 21, 2007, is the International Day of Peace. The United Nations and its member states unanimously established an International Day of Peace in 1981. However it was not until 2001 that September 21 was agreed to as the permanent date. According to the U.N. resolution, the International Day of Peace should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples. I applaud Governor Chet Culver for his proclamation affirming Iowa's observance of International Peace Day. And, at this time, I would like to do my own part to mark this day, especially on the behalf of the many Iowans who are committed to the ideals of peace.

Unfortunately, this may be International Peace Day, but this is hardly a day of peace. The United States is in the fifth year of a devastating war in Iraq, a war of choice that was launched preemptively by the current U.S. administration. The Middle East is marked by conflict and bloodshed from Lebanon to Israel to the Palestinian territories to Iraq and Afghanistan. The genocide in Darfur continues to rage. Militias continue to prey on innocent women in Eastern Congo. In Guatemala, there is an increase in violence against women and against those fighting for the rights of the indigenous population as a result of the most recent elections. HIV/AIDS continues to ravage the continent of Africa. Millions of children are forced to work in abusive conditions—in many cases, as outright slaves—and are denied an education.

Historically, the mixture of strength and a preference for peaceful relations with the rest of the world is what has given the United States its moral standing. In the past, it was our willingness to come to the aid of those who could not defend themselves, and a commitment to resolving conflicts peacefully, if at all possible, that made us the beacon of hope for a better world.

But a true commitment to peace is not measured by a proclamation or by high-minded speeches on one day of the year. It takes more than good intentions and high ideals. What it takes is the hard work of diplomacy, people-to-people exchanges, and active, assertive peace movements in each country. It takes a sustained effort to understand our adversaries and, if at all possible, to resolve our differences peacefully.

I have long been committed to finding peaceful solutions to conflicts. That is why I was present at the creation of the U.S. Institute of Peace.

Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies that train some of the best and brightest minds in America in the art and science of war. But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace agreements between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition, and today makes a vital intellectual investment in the art and science of peacemaking.

I look forward to a time, hopefully not too far in the future, that will truly be a day of peace. But let us remember that peace is not merely the cessation or absence of hostilities. The ideals of peace require us to practice understanding, tolerance, and honorable compromise. The ideals of peace require us to look upon our fellow human beings and to see them as our brothers and sisters. The ideals of peace require us to reject unprovoked aggression and violence as acceptable instruments of national policy.

On this International Day of Peace, I salute the many good people in Iowa, across America, and around the world who devote themselves 365 days a year to the cause of peace and nonviolence. The world is a better place because of their activism and engagement, and because they summon us to what Lincoln called the better angels of our nature.

ADDITIONAL STATEMENTS

TO THE CHARLES F. KETTERING MUSEUM

• Mr. CRAPO. Mr. President, in 1916, history records a number of momentous events, events that changed the course of our world. President Woodrow Wilson was elected to a second term. World War I was ramping up: Germany and Austria declared war on Portugal in March; Romania declared war on Austria in August; Italy declared war on Germany that same month; and Germany, Turkey, and Bulgaria declared war on Romania. Pancho Villa invaded New Mexico, and the United States responded by sending troops under General John J. Pershing into Mexico. It is said that total miles of U.S. railroad trackage reached its historic peak.

That same year, something equally revolutionary occurred that contributed to a significant change in the way farming was done in Idaho. In the fall of 1916, inventor, philosopher and engineer Charles F. Kettering from Centerville, OH, designed a self-starter for the Massey-Harris tractor. He did this for Thomas Lyon Hamer, a fellow Ohioan, so that Hamer's nephew, Thomas Ray Hamer, could operate the tractor and farm his land in St. Anthony, Idaho, without the well-known danger posed by the hand-crank.

Thomas Ray Hamer, a Representative in Idaho's state legislature in 1896, was an attorney and a farmer. He also served in the military, in the First Regiment, Idaho Volunteer Infantry and as a captain and lieutenant colonel in the Philippines. He also served as an associate justice of the Supreme Court of the Philippine Islands. During World War I, he served as a judge advocate general. He spent his later years practicing law in St. Anthony and Boise, ID, and Portland, OR.

It gives me great pleasure to recognize Charles F. Kettering's significant contribution to Idaho history and Idaho agriculture. Were it not for Kettering's willingness to help a friend and his creative ingenuity, a great Idahoan may not have gone on to a second successful military career and secured his place in Idaho history. Charles Kettering—at his death, coholder of more than 140 patents and possessing honorary doctorates from nearly 30 universities lived by his own words: ''With willing hands and open minds, the future will be greater than the most fantastic story you can write.'' Kettering's ''willing hands'' left their unmistakable handprint on the fields of my State of Idaho.•

CONGRATULATING THE GEORGIA LOGISTICS COMMAND

• Mr. ISAKSON. Mr. President, today I congratulate in the RECORD the men and women who serve at the Marine Corps Logistics Command's Maintenance Center in Albany, GA, for being selected for the second time to receive the Robert T. Mason Depot Maintenance Excellence Award.

The Robert T. Mason Depot Maintenance Excellence Award is named for the former Assistant Deputy Secretary of Defense of Maintenance Policy, Programs and Resources who was a champion of organic depot maintenance for three decades.

In 2005, the Marine Corps Logistics Command's Maintenance Center in Albany, GA, was the inaugural winner of this award for Depot Maintenance Excellence. That year's recipient was the Design and Manufacture Vehicle Armor Protective Kits Program of the Maintenance Center in Albany, Georgia, for its support of the Global War on Terror. This program provided protective armor kits for U.S. Marine Corps combat vehicles, allowing the Marines to be a more effective fight force and had a direct impact on their safety and morale.

This year, the award went to the Dedicated Design and Prototype Effort Team of the Maintenance Center in Albany, Georgia. They provide exceptional and responsive maintenance support by demonstrating the ability to be responsive, resourceful, agile and creative by designing and prototyping multiple systems in support of Operation Iraqi Freedom.

I am pleased to acknowledge the great achievement of these men and women of the Marine Corps Logistics Command's Maintenance Center who provide support for our men and women fighting the global war on terror.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes (Rept. No. 110–183).

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. CARPER (for himself and Mr. SUNUNU):

S. 2083. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2085. A bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SALAZAR):

S. Res. 325. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 932

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 960, a bill to establish the United States Public Service Academy.

S. 1382

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1445

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1589

At the request of Mr. ISAKSON, his name was withdrawn as a cosponsor of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1699

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1841

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1841, a bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1909

At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) 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. 1958

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2054

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) 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. 2158

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 2158 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. 2872

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2872 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 325—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee

on Health, Education, Labor, and Pensions:

S. RES. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;

Whereas 1 in every 330 people in the United States develops cancer before age 20;

Whereas approximately 8 percent of deaths of individuals between 1 and 19 years old are caused by cancer;

Whereas, while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to the field of pediatric oncology;

Whereas the results of peer-reviewed clinical trials have helped to raise the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least 1 late effect from treatment, which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and

Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—

(A) the incidence of cancer among children;

(B) the signs and symptoms of cancer in children; and

(C) options for the treatment of, and long-term follow-up for, childhood cancers;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients;

(7) policies that enhance education, services, and other resources related to late effects from treatment; and

(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

TEXT OF AMENDMENTS

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; as follows:

Strike section 215.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 26, 2007, at 10 a.m., to conduct an executive business meeting to consider on the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office; and the nominations of Steven T. Walther of Nevada, David M. Mason of Virginia, Robert D. Lenhard of Maryland, and Hans von Spakovsky of Georgia to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee.

RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE

Mr. CASEY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 320, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 320) recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukranian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

GANG ABATEMENT AND PREVENTION ACT OF 2007

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 290, S. 456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 456) to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gang Abatement and Prevention Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and even during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(11) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to assist in combating gang violence, consultation and coordination between Federal, State, and local law enforcement and collaboration with other community agencies is critical to the successful prosecutions of criminal street gangs and reduction of gang problems.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

''CHAPTER 26—CRIMINAL STREET GANGS

''§ 521. Definitions

''In this chapter:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, organization, or association of 5 or more individuals—

''(A) each of whom has committed at least 1 gang crime; and

''(B) who collectively commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in separate criminal episodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2007, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

''(2) GANG CRIME.—The term 'gang crime' means an offense under Federal law punishable by imprisonment for more than 1 year, or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more in any of the following categories:

''(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

''(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

''(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(D) Any conduct punishable under—

''(i) section 844 (relating to explosive materials);

''(ii) subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), (g)(11), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts);

''(iii) subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties);

''(iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

''(v) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

''(vi) sections 1028 and 1029 (relating to fraud, identity theft, and related activity in connection with identification documents or access devices);

''(vii) section 1084 (relating to transmission of wagering information);

''(viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

''(ix) section 1956 (relating to the laundering of monetary instruments);

''(x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

''(xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

''(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

''(F) Any crime involving aggravated sexual abuse, sexual assault, pimping or pandering involving prostitution, sexual exploitation of children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery, or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

''(3) MINOR.—The term 'minor' means an individual who is less than 18 years of age.

''(4) SERIOUS VIOLENT FELONY.—The term 'serious violent felony' has the meaning given that term in section 3559.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''§ 522. Criminal street gang prosecutions

''(a) STREET GANG CRIME.—It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title and—

''(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years or for life;

''(2) for any other serious violent felony, by imprisonment for not more than 30 years;

''(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

''(4) for any other offense, by imprisonment for not more than 10 years.

''§ 523. Recruitment of persons to participate in a criminal street gang

''(a) PROHIBITED ACTS.—It shall be unlawful to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in a gang crime, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the activities of that criminal street gang are in or affect interstate or foreign commerce.

''(b) PENALTIES.—Whoever violates subsection (a) shall—

''(1) if the person recruited, employed, solicited, induced, commanded, coerced, or caused to participate or remain in a criminal street gang is a minor—

''(A) be fined under this title, imprisoned not more than 10 years, or both; and

''(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the minor until the person attains the age of 18 years;

''(2) if the person who recruits, employs, solicits, induces, commands, coerces, or causes the participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 10 years, or both; and

''(3) in any other case, be fined under this title, imprisoned not more than 5 years, or both.

''(c) CONSECUTIVE NATURE OF PENALTIES.—Any term of imprisonment imposed under subsection (b)(2) shall be consecutive to any term imposed for any other offense.

''§ 524. Violent crimes in furtherance of criminal street gangs

''(a) IN GENERAL.—It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit or threaten to commit against any individual a crime of violence that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or attempt or conspire to do so, if the activities of the criminal street gang occur in or affect interstate or foreign commerce.

''(b) PENALTY.—Any person who violates subsection (a) shall be punished by a fine under this title and—

''(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

''(2) for a serious violent felony other than one described in paragraph (1), by imprisonment for not more than 30 years; and

''(3) in any other case, by imprisonment for not more than 20 years.

''§ 525. Forfeiture

''(a) CRIMINAL FORFEITURE.—A person who is convicted of a violation of this chapter shall forfeit to the United States—

''(1) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

''(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

''(b) PROCEDURES APPLICABLE.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsections (a) and (d) of that section, shall apply to the criminal forfeiture of property under this section.''.

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46 or'' and inserting ''chapter 26, chapter 46, or''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting '', section 522 (relating to criminal street gang prosecutions), 523 (relating to recruitment of persons to participate in a criminal street gang), and 524 (relating to violent crimes in furtherance of criminal street gangs)'' before '', section 541''.

(d) AMENDMENT OF SPECIAL SENTENCING PROVISION PROHIBITING PRISONER COMMUNICATIONS.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting ''chapter 26 (criminal street gangs),'' before ''chapter 95''; and

(2) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''or in furtherance or in aid of an enterprise engaged in racketeering activity,'' before ''murders,''; and

(B) by inserting ''engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States,'' before ''maims,'';

(2) in paragraph (1), by inserting ''conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming,'' after ''kidnapping,'';

(3) in paragraph (2), by striking ''maiming'' and inserting ''assault resulting in serious bodily injury'';

(4) in paragraph (3), by striking ''or assault resulting in serious bodily injury'';

(5) in paragraph (4)—

(A) by striking ''five years'' and inserting ''10 years''; and

(B) by adding ''and'' at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

''(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.''.

SEC. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

''(a) IN GENERAL.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and—

''(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

''(2) for a serious violent felony (as defined in section 3559 of title 18, United States Code) other than one described in paragraph (1) by imprisonment for not more than 30 years;

''(3) for a crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

''(4) in any other case by imprisonment for not more than 10 years.

''(b) VENUE.—A prosecution for a violation of this section may be brought in—

''(1) the judicial district in which the murder or other crime of violence occurred; or

''(2) any judicial district in which the drug trafficking crime may be prosecuted.

''(c) DEFINITIONS.—In this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423, the following:

''Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.''.

SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph

(3), by inserting after ''that the person committed'' the following: ''an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section 922,''.

SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299A. Violent crime offenses

''No person shall be prosecuted, tried, or punished for any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 10 years after the date on which the alleged violation occurred or the continuing offense was completed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Violent crime offenses.''.

SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

The Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) IN GENERAL.—Section 924(e) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) In the case of a person who violates section 922(g) of this title and has previously been convicted by any court referred to in section 922(g)(1) of a violent felony or a serious drug offense shall—

''(A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both;

''(B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for not more than 20 years, fined under this title, or both; and

''(C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).''.

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of that title 18, as amended by subsection (a).

SEC. 207. CONFORMING AMENDMENT.

The matter preceding paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting '', transfer,'' after ''sell''.

SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking '', with the intent'' and all that follows through ''to do so, shall'' and inserting ''knowingly takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person of another by force and violence or by intimidation, causing a reasonable apprehension of fear of death or serious bodily injury in an individual, or attempts or conspires to do so, shall'';

(2) in paragraph (1), by striking ''15 years'' and inserting ''20 years'';

(3) in paragraph (2), by striking ''or imprisoned not more than 25 years, or both'' and inserting ''and imprisoned for any term of years or for life''; and

(4) in paragraph (3), by inserting ''the person takes or attempts to take the motor vehicle in violation of this section with intent to cause death or cause serious bodily injury, and'' before ''death results''.

(b) CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

''(h) Whoever knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years.''.

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting ''chapter 26 of this title (criminal street gang prosecutions) or in'' after ''felony set forth in''; and

(2) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking ''five years, or both.'' and inserting ''10 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 10 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense.''.

SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity gang activity area under section 301 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.

Section 3286(a) of title 18, United States Code, is amended—

(1) in the subsection heading, by striking ''EIGHT-YEAR'' and inserting ''TEN-YEAR''; and

(2) in the first sentence, by striking ''8 years'' and inserting ''10 years''.

SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting '', or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''.

SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''or'' and the end of paragraph (r);

(2) by redesignating paragraph (s) as paragraph (u); and

(3) by inserting after paragraph (r) the following:

''(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

''(t) any violation of section 522, 523, or 524 (relating to criminal street gangs); or''.

SEC. 213. CLARIFICATION OF HOBBS ACT.

Section 1951(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title),'' after ''by means of actual or threatened force,''; and

(2) in paragraph (2), by inserting ''including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title),'' after ''by wrongful use of actual or threatened force,''.

SEC. 214. INTERSTATE TAMPERING WITH OR RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1513 the following:

''§ 1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding

''(a) IN GENERAL.—It shall be unlawful for any person—

''(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

''(A) use or threaten to use any physical force against any witness, informant, victim, or other participant in a State criminal proceeding in an effort to influence or prevent participation in such proceeding, or to retaliate against such individual for participating in such proceeding; or

''(B) threaten, influence, or prevent from testifying any actual or prospective witness in a State criminal proceeding; or

''(2) to attempt or conspire to commit an offense under subparagraph (A) or (B) of paragraph (1).

''(b) PENALTIES.—

''(1) USE OF FORCE.—Any person who violates subsection (a)(1)(A) by use of force—

''(A) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(B) if death, kidnapping, or serious bodily injury results, shall be fined under this title, imprisoned for any term of years or for life, or both.

''(2) OTHER VIOLATIONS.—Any person who violates subsection (a)(1)(A) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) VENUE.—A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.''.

(b) CONFORMING AMENDMENT.—Section 1512 is amended, in the section heading, by adding at

the end the following: ''**IN A FEDERAL PROCEEDING**''.

(c) CHAPTER ANALYSIS.—The table of sections for chapter 73 of title 18, United States Code, is amended—

(1) by striking the item relating to section 1512 and inserting the following:

''1512. Tampering with a witness, victim, or an informant in a Federal proceeding.'';

and

(2) by inserting after the item relating to section 1513 the following:

''1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.''.

SEC. 215. PROHIBITION ON FIREARMS POSSESSION BASED ON VALID GANG INJUNCTION AND CONVICTION FOR GANG-RELATED MISDEMEANOR.

(a) IN GENERAL.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) who has been convicted in any court of a misdemeanor gang-related offense; or

''(11) who otherwise has, within the last 5 years, been found by any court to be in contempt of a gang injunction order, so long as the finding of contempt was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate and challenge the sufficiency of process and the constitutional validity of the underlying gang injunction order,''.

(b) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36)(A) The term 'misdemeanor gang-related offense' means an offense that—

''(i) is a misdemeanor under Federal, State, or Tribal law; and

''(ii) has, as an element, the membership of the defendant in a criminal street gang, illegal association with a criminal street gang, or participation in a criminal street gang activity.

''(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

''(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

''(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(aa) the case was tried by a jury; or

''(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

''(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

''(37) The term 'gang injunction order' means a court order that—

''(A) names the defendant as a member of a criminal street gang; and

''(B) restrains the defendant from associating with other gang members.''.

SEC. 216. AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this title and the amendments made by this title;

(2) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guidelines offense levels and enhancements—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this title and the amendments made by this title;

(3) ensure that specific offense characteristics are added to increase the guideline range—

(A) by at least 2 offense levels, if a criminal defendant committing a gang crime or gang recruiting offense was an alien who was present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 4 offense levels, if such defendant had also previously been ordered removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine under what circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence of imprisonment imposed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) HIGH INTENSITY GANG ACTIVITY AREA.—The term ''high intensity gang activity area'' or ''HIGAA'' means an area within 1 or more States or Indian country that is designated as a high intensity gang activity area under subsection (b)(1).

(3) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) STATE.—The term ''State'' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) TRIBAL LEADER.—The term ''tribal leader'' means the chief executive officer representing the governing body of an Indian tribe.

(b) HIGH INTENSITY GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, specific areas that are located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(A) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups, and those reentering society from prison; and

(iv) evaluation teams to research and collect information, assess data, recommend adjustments, and generally assure the accountability and effectiveness of program implementation;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Labor;

(iv) the Department of Health and Human Services;

(v) the Department of Housing and Urban Development; and

(vi) any other Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) to each high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(D) prioritize and administer the Federal program and resource requests made by the local collaborative working group established under subparagraph (A) for each high intensity gang activity area;

(E) provide all necessary funding for the operation of each local collaborative working group in each high intensity gang activity area; and

(F) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and educational, community, social service, faith-based, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—Each team established

under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from—

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

(C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the United States Marshals Service;

(E) the Department of Homeland Security;

(F) the Department of Housing and Urban Development;

(G) State, local, and, where appropriate, tribal law enforcement;

(H) Federal, State, and local prosecutors; and

(I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;

(C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) RELATION TO HIDTAS.—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a ''HIDTA''), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially overlaps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than December 1 of each year, the Attorney General shall submit a report to the appropriate committees of Congress and the Director of the Office of Management and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of gangs;

(D) the number and nature of crimes committed by gangs and gang members;

(E) the definition of the term ''gang'' used to compile that report; and

(F) the programmatic outcomes and funding need of the high intensity gang area, including—

(i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and

(ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) APPROPRIATE COMMITTEES.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.—The Attorney General is authorized to hire 94 additional Assistant United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(e) ADDITIONAL DEFENSE COUNSEL.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts is authorized to hire 71 additional attorneys, nonattorney coordinators, and investigators, as necessary, in Federal Defender Programs and Federal Community Defender Organizations, and to make additional payments as necessary to retain appointed counsel under section 3006A of title 18, United States Code, to adequately respond to any increased or expanded caseloads that may occur as a result of this Act or the amendments made by this Act. Funding under this subsection shall not exceed the funding levels under subsection (d).

(f) NATIONAL GANG RESEARCH, EVALUATION, AND POLICY INSTITUTE.—

(1) IN GENERAL.—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the ''Institute'').

(2) ACTIVITIES.—The Institute shall—

(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, intervention, and reentry models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist jurisdictions by conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that have objectives and data on how they reduce gang violence (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches; and

(C) provide and contract for technical assistance as needed in support of its mission.

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, and to teach and promote gang violence prevention, intervention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIGAA areas to serve as primary national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction's established capacity to integrate prevention, intervention, re-entry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it may determine appropriate.

(5) DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information about methods to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish not less than 1 training academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) SUPPORT.—The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it determines necessary, to test and assist in implementing its strategies nationally, regionally, and locally.

(8) RESEARCH AGENDA.—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS–13.

(9) EVALUATION.—The National Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) FUNDS.—The Attorney General shall use not less than 3 percent, and not more than 5

percent, of the amounts made available under this section to establish and operate the Institute.

(g) USE OF FUNDS.—Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort—

(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and

(2) 50 percent shall be used—

(A) to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through—

(i) service providers in the community, including schools and school districts; and

(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;

(B) for the establishment and operation of the National Gang Research, Evaluation, and Policy Institute; and

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012. Any funds made available under this subsection shall remain available until expended.

SEC. 302. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying and addressing early childhood risk factors for gang involvement, including parent training and childhood skills development;

(5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time nonviolent offenders facing alternative penalties, such as mandated participation in community service, restitution, counseling, and education and prevention programs;

(8) implementing regional, multidisciplinary approaches to combat gang violence though coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that enhance focused prosecutions and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, and social workers.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(2) CONSULTATION AND COOPERATION.—Each recipient of a grant under this section shall have in effect on the date of the application by that entity agreements to consult and cooperate with local, State, or Federal law enforcement and participate, as appropriate, in coordinated efforts to reduce gang activity and violence.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Attorney General may require.

(e) DEFINITION.—In this section, the term ''units of local government'' includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2008 through 2012.

SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) ENFORCEMENT.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) EXPANSION OF SAFE STREETS PROGRAM.—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) NATIONAL GANG ACTIVITY DATABASE.—

(1) IN GENERAL.—The Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Department of Justice.

(2) DESCRIPTION.—The database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence; and

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) USE OF RISS SECURE INTRANET.—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISSGang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $10,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to hire additional prosecutors to—

''(A) allow more cases to be prosecuted; and

''(B) reduce backlogs; and

''(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 306. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: ''The Administrator shall expand the number of sites receiving such grants from 4 to 12.''.

(b) AUTHORIZATION OF PROGRAM.—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Program under part E $4,800,000 for each of fiscal years 2008 through 2012.''.

SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) GRANTEES.—A grant may be made under subsection (a) only if the entity involved—

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General reports describing the results of the evaluations, as the Attorney General determines to be appropriate; and

(C) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsections (c) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(f) REPORT TO CONGRESS.—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of the fiscal years 2008 through 2012.

SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SECTION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

''§ 570. Short-Term State Witness Protection Section

''(a) IN GENERAL.—There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor's offices and the United States attorney for the District of Columbia.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

''(A) criminal prosecutor's offices for States with an average of not less than 100 murders per year; and

''(B) criminal prosecutor's offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is above the national average.

''(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during 5-year period immediately preceding an application for protection.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

''570. Short-Term State Witness Protection Section.''.

(b) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible prosecutor's office'' means a State or local criminal prosecutor's office or the United States attorney for the District of Columbia; and

(B) the term ''serious violent felony'' has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to make grants to eligible prosecutor's offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION.—Each eligible prosecutor's office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor's office.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible prosecutor's office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2010.

SEC. 309. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

''(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a criminal street gang, as defined under the laws of the relevant State seeking assistance under this title.''.

SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting '', criminal street gang, serious drug offense, homicide,'' after ''organized criminal activity''.

SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) STATE GRANTS.—The Attorney General is authorized to make grants to States for projects involving—

(1) the extradition of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abductions; and

(5) the flagging of school records.

(b) MATCHING REQUIREMENT.—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) DEFINITIONS.—In this section:

(1) FAMILY ABDUCTION.—-The term ''family abduction'' means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) FLAGGING.—The term ''flagging'' means the process of notifying law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 and 2010.

SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) IN GENERAL.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) REVISION OF GUIDELINES.—If determined appropriate by the United States Sentencing Commission, after completing the study under subsection (a) the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this Act or the amendments made by this Act.

SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN.

Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

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

''(k) PREVENTION OF HEROIN ABUSE.—

''(1) FINDINGS.—Congress finds the following:

''(A) Heroin, and particularly the form known as 'cheese heroin' (a drug made by mixing black tar heroin with diphenhydramine), poses a significant and increasing threat to youth in the United States.

''(B) Drug organizations import heroin from outside of the United States, mix the highly addictive drug with diphenhydramine, and distribute it mostly to youth.

''(C) Since the initial discovery of cheese heroin on Dallas school campuses in 2005, at least 21 minors have died after overdosing on cheese heroin in Dallas County.

''(D) The number of arrests involving possession of cheese heroin in the Dallas area during the 2006–2007 school year increased over 60 percent from the previous school year.

''(E) The ease of communication via the Internet and cell phones allows a drug trend to spread rapidly across the country, creating a national threat.

''(F) Gangs recruit youth as new members by providing them with this inexpensive drug.

''(G) Reports show that there is rampant ignorance among youth about the dangerous and potentially fatal effects of cheese heroin.

''(2) PREVENTION OF HEROIN ABUSE.—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.''.

SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.

(a) IN GENERAL.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) TRAINING.—The National Advocacy Center in Columbia, South Carolina may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $6,500,000, to remain available until expended, for fiscal years 2008 through 2011.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

SEC. 401. SHORT TITLE.

This title may be cited as the ''Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007'' or the ''PRECAUTION Act''.

SEC. 402. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term ''rigorous evidence'' means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term ''subcategory'' means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term ''top-tier'' means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

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

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to

conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 405.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 405, the Commission shall collect the results of the study of the effectiveness of that grant under section 405(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 405 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 405 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 405, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 405, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 405(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 405(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 404(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 404(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

Mr. LEAHY. Mr. President, today the Senate considers The Gang Abatement and Prevention Act of 2007, a bill concerned with the Nation's growing gang problem. I want to thank Senator FEINSTEIN for her tireless work on this issue over many years and, in particular, for working diligently with me to address my concerns and to formulate what I hope we all agree is an even better gang bill.

Violent crime in America is again on the rise. This troubling news is in my view at least in part the result of the Bush administration's failure to heed the lessons learned from our successful fight against violent crime in the 1990s. Congress and the Clinton administration provided significant new funding to strengthen State and local law enforcement and supported programs to prevent gang and youth violence. Our efforts worked. Studies have repeatedly shown that, violent crime and gang offenses steadily dropped to historic lows. But the Bush administration chose a different course, and, despite warnings from me and others, has repeatedly cut funding for State and local cops on the beat and community programs targeting the prevention of youth crime.

I hope that this bill will be part of a return to productive law enforcement strategies that worked so well in the past. I share the views expressed at the hearing in June by Los Angeles Police Chief William J. Bratton that ''we can't arrest our way out of our gang crime problem.'' As those who have worked on this issue for years know all too well, we must match our commitment to law enforcement with an equal commitment to intervention and prevention as a means of curbing gang violence. Neither strategy works without the other, and I believe, as so many law enforcement and civil leaders do, that any legislative proposal to address gang violence must focus on new means to prevent youth and gang violence. I am glad that Senator FEINSTEIN's bill now reflects these priorities.

The Gang Abatement and Prevention Act of 2007 represents a significant improvement over earlier gang legislation. It does not contain the death penalties, mandatory minimums, and expansive juvenile transfer provisions that were among my strongest objections to some past proposals. Further, Senator FEINSTEIN has worked with me and others to ensure that this bill will provide some of the resources necessary to reverse the policies of this administration, which have neglected the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. I particularly appreciate provisions in the bill to provide up to $1 billion over 10 years to support collaborative law enforcement and community prevention efforts, with a significant portion of that amount going to civic groups for innovative prevention programs that truly work to reduce gang violence.

I have long said that I don't believe that sweeping new Federal crimes, which federalize the kind of street crime that States have traditionally addressed and can handle with the right resources and assistance, are the right way to go. The bill still contains more emphasis on federalizing crime and mandating sentences than I would like. But I have tried to work with Senator FEINSTEIN to reduce its impact on the sphere of criminal law traditionally handled by the States and to focus on the most serious offenders and conduct, for which Federal attention is needed. I also appreciate Senator FEINSTEIN and Senator SCHUMER working with Senator WHITEHOUSE and me to ensure that small States such as Rhode Island and Vermont could be eligible under the bill to receive crucially important witness protection grants.

We all care deeply about eradicating gang violence, and we must work together to create a comprehensive solution to this troubling, persistent problem. I hope that this bill will be a step toward reversing the mistakes of the Bush administration and reinvigorating our efforts to provide Federal support for those who combat gang violence every day and to protect those who are its victims.

Mr. HATCH. I rise today to congratulate my fellow Senators on the passage of the Gang Abatement and Prevention Act of 2007. This vital legislation makes important changes to the federal criminal code which will allow a more effective response to the ever growing threat that violent street gangs present to our society.

Americans are acutely aware of the myriad problems brought about by the influence and prevalence of criminal gangs in this country. I have long shared this concern, and introduced legislation over 10 years ago that attempted to address the problem. Senator FEINSTEIN joined me in that effort, and since that time has pursued this matter with a vigor and tenacity that should make the residents of California proud. I want to offer my heartfelt congratulations and appreciation to Senator FEINSTEIN for her tireless efforts in sponsoring this bill, and am pleased that our combined efforts over the

years have brought us one step closer to having this legislation signed into law.

I believe that all members of the Senate share their constituents' desire to see a diminished role of gangs and associated violence in our communities. The question is very simple: How do we achieve this goal?

The prevailing thought is to either modify the criminal code or provide financial assistance that enhances procedures and programs that have been proven to effectively reduce gang participation. The bill that passed today does both of these things, and it is my hope that the vital tools in this initiative can be utilized by state and local personnel to provide for a greatly diminished threat from criminal street gangs.

One thing I want to make perfectly clear is that my involvement with this issue does not diminish my concerns with the federalization of crimes. I want to read a few sentences I said on the Senate Floor in 1996 when introducing the Federal Gang Violence Act of 1996: ''Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play.''

I said this in 1996, and my thoughts have not changed. The federal government too many times hands out money like a broken ATM, subsidizing projects that are more appropriately left to the states. However, the fact that Gangs have operations which spread throughout our country necessitates a federal law enforcement response. I am confident that Americans would approve of their tax dollars being effectively utilized in attempts to reduce gangs and criminal activity, and provide a safer environment for their families.

The young people who join criminal gangs have made an unfortunate choice to squander all of the opportunities available in their life, opportunities which are abundant in our great nation. But even worse, their choice to participate in violent gang crimes put the lives of innocent Americans in danger. The same innocent people who have rightly chosen to live their life in a productive manner benefiting fellow citizens.

Numerous cities in my home state of Utah, such as Orem, St. George, and Provo are facing an increase in gang activity. National gangs, like MS–13, are expanding their presence in Utah. Law enforcement is also reporting an increase in gang members relocating from areas of Southern California. It is vital that we provide immediate assistance to cities that are in the beginning stages of a battle with highly sophisticated national gangs. If a city can't deal with this problem swiftly and severely, then the gangs will fester like a disease, amplifying to an unmanageable level. We have seen this throughout the country, and I am dedicated to ensure that the cities in Utah and other states receive appropriate and necessary assistance from Congress to increase community prevention efforts.

I applaud the efforts of lawmakers whose tireless efforts produced this bill, and am hopeful that the funds provided for prevention and mentoring can be utilized to help negate the persistent efforts of gangs to augment their ranks with additional kids. Life provides many choices, and I hope that our youth will find the strength and courage to resist the gang lifestyle.

I recognize that there is no mechanism which can easily remove the scourge of criminal gangs, but am confident that this bill will provide resources which can enhance and amplify the efforts of dedicated personnel who endeavor to bestow positive influence to our communities.

Mr. CASEY. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; the Feinstein-Hatch amendment, which is at the desk, be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 3022) was agreed to, as follows:

Strike section 215.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 456), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, SEPTEMBER 24, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, September 24; that on Monday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Senator BYRD recognized for 25 minutes of the majority's time, and the Republicans controlling the final portion; that at 3 p.m. the Senate proceed to the consideration of the conference report to accompany H.R. 1495, as provided for under a previous order.

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

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2007, AT 2 P.M.

Mr. CASEY. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, September 24, 2007, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate :

DEPARTMENT OF JUSTICE

MICHAEL B. MUKASEY, OF NEW YORK, TO BE ATTORNEY GENERAL, VICE ALBERTO R. GONZALES, RESIGNED.