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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Almighty God, show favor to our land and bless us with Your grace. Transform us into people who look to You for guidance and seek to do Your will. Unite us to accomplish the things that honor You.

Strengthen the Members of this body to serve You as You deserve. Empower them to give and not to count the cost, to strive and not to heed the wounds. Help them to toil and not to seek for rest, to labor and not to ask for any reward except of knowing they are doing Your will. May each Senator daily strive to walk blameless, speak the truth, and honor You.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 1 hour. The time is divided between the two sides. The Republicans will control the first portion. The Senate is expected to resume consideration of the Defense authorization bill this morning. Today the Senate will recess under a previous order entered for our respective party conferences at 12:30 and reconvene at 2:15. At some point during today's session it is expected that we will receive a message from the House relating to the SCHIP program, children's health. The Senate will consider that message and take the necessary steps to conclude action and send it to the President.

RECOGNITION OF THE MINORITY LEADER

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

BURMA

Mr. MCCONNELL. Mr. President, a remarkable scene is playing out in the country of Burma. For yet another day, tens of thousands of peaceful protesters demonstrated throughout Burma against the policies of that country's military junta, the State Peace and Development Council. These protests were carried out in defiance of Government threats. They were led again by barefoot monks, dressed in saffron robes, who just a few days ago in a simple but powerful gesture unleashed a dramatic series of events. That gesture was the turning upside down of their alms bowls, a symbol of the monks' refusal to accept charity from the regime, an act that has the potential to awaken the world to the brutality of this iniquitous regime. Imagine the courage of their actions. Their nonviolent response is subject to imprisonment and torture from a regime that has done far more to citizens who have done far less.

Earlier today, President Bush spoke at the United Nations General Assembly; in fact, he is probably speaking as I speak. He indicated additional U.S. sanctions would be applied to the military junta. He also called for increased international pressure on this regime. The President should be applauded for his leadership in promoting democracy and reconciliation in Burma.

The struggle for freedom in Burma is not new, nor are we in Congress new to it. I am hopeful other countries will follow the lead of President Bush and the Congress on this issue.

Two nations are pivotal to this effort: India and China. Both have a major stake in a prosperous and democratic Burma emerging from this unrest. Failure to act in a constructive manner would be a poor reflection on India, the world's largest democracy. Failure to act in a meaningful manner would also be a poor reflection on China, as that nation begins efforts to showcase itself for the 2008 Beijing Olympics.

The United Nations Secretary General himself needs to directly engage the SPDC on this matter and call for

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

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real progress toward the democratization of Burma; the release of all political prisoners, most especially including Aung San Suu Kyi; and the inclusion of ethnic minorities in a peaceful reconciliation process.

Pressure is mounting on the SPDC, both from within the country and from without. Yet there is a path forward for the regime, and that is the path of genuine reconciliation. The SPDC needs to follow the pragmatic model of apartheid South Africa in the early 1990s: Recognize the need to enter into good faith negotiations with the legitimate leaders of the people.

I wish to convey a few messages to those inside Burma: To the peaceful protesters, know that the friends of democracy are with you and we are awed by your courage and your determination; to the regime: Know that the eyes of the world are upon you and recall that the crackdown in 1988 was followed by sanctions your Government still labors under. Know too that as the Government of Burma, you are responsible for the safety and well-being of the demonstrators and also of Aung San Suu Kyi. Know that the path forward is through genuine reconciliation, not repression.

In closing, I note that the SPDC is much like any other despotic regime that holds onto power through terror, through force, and, frankly, through corruption as well. The SPDC will not give way easily to peaceful protests and resistance. We must let those in Burma who seek peaceful change know they do not stand alone.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Colorado.

NATIONAL FIRST RESPONDER APPRECIATION DAY

Mr. ALLARD. Mr. President, I rise today to recognize our Nation's first responders. I, along with Senators MCCAIN and CASEY, introduced S. Res. 215 recognizing today, September 25, 2007, as National First Responders Appreciation Day. The Senate acted quickly and passed this resolution by unanimous consent with a total of 33 cosponsors.

The contributions that our Nation's 1.1 million firefighters, 670,000 police officers, and over 890,000 emergency medical professionals make in our communities are familiar to all of us. We see the results of their efforts every night on our TV screens and read about them every day in the paper.

From recent tornadoes in the Southeast and wildfires in the West in 2007, and the Christmas blizzard in Colorado in 2006, to the tragic events of Virginia Tech, Columbine High School, Platte Canyon High School, and the wrath of Hurricane Katrina, our first responders regularly risk their lives to protect property, uphold the law, and save the lives of others.

Nationwide, many of our first responders take the call on a daily basis and are exposed to life-threatening situations. While performing their jobs, many first responders have made the ultimate sacrifice. According to Craig Floyd, Chairman of the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years; an average of 1 death every 53 hours, or 165 per year, and 145 law enforcement officers were killed in 2006.

In addition, according to the United States Fire Administration, from 1996 through 2005, over 1,500 firefighters were killed in the line of duty, and tens of thousands were injured.

It is also important to note that four in five medics are injured on the job. More than one in two, about 50 percent, have been assaulted by patients, and one in two, 50 percent, have been exposed to an infectious disease, and emergency medical service personnel in the U.S. have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average, and most emergency medical service personnel deaths in the line of duty occur in ambulance accidents.

Yet to recognize our first responders only for their sacrifices would be to ignore the everyday contributions they make in communities throughout America. In addition to battling fires, firefighters perform important fire prevention and public education duties such as teaching our children how to be fire safe.

Police officers do not simply arrest criminals; they actively prevent crime and make our neighborhoods safer and more livable. And if we or our loved ones experience a medical emergency, EMTs are there at a moment's notice to provide lifesaving care.

Last Saturday, I hosted a first responder appreciation day in northern Colorado and was overwhelmed by the support shown to our first responders by the public. Farmers, ranchers, small business owners and members of the community alike thanked their firefighters, paramedics, sheriffs, deputies, and police officers for being there at a moment's notice to lend a hand while putting their own safety at risk.

As a practicing veterinarian and a former health officer in Loveland, Colorado, I can attest to the numerous times I called on first responders to help me get through a situation. In many ways our first responders embody the very best of the American spirit. With charity and compassion, those brave men and women regularly put the well-being of others before their own, oftentimes at great personal risk. Through their actions they have become heroes to many. Through their example they are role models to all of us.

To all of our first responders, thank you for your service. I ask my colleagues to please join me today in recognizing September 25 as National First Responder Appreciation Day as we honor first responders for their contributions, sacrifices, and dedication to public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I wish to speak to two items that are before us as we are considering the Defense authorization bill this morning. The first has to do with an amendment that has been offered by Senator LIEBERMAN and myself and others to declare the Islamic Revolutionary Guard Corps a terrorist organization, which would, if we do that, permit us to engage in economic sanction activity against the financing operations of the IRGC.

That is important, because according to all of the evidence we have, it is the IRGC that has been primarily responsible for the infusion into Iraq of the very dangerous equipment that has been causing great harm to our troops there, especially the new superpenetrator devices that are blowing up not just humvees but also even Abrams tanks.

It is the IRGC that is responsible for the training of Iraqis to be fighting our troops in Iraq and generally bringing the Iranian Government's anti-American activities from Iran into Iraq.

It is because of the IRGC's activities as a terrorist organization that our troops are dying in portions of Iraq today and, therefore, totally fitting for us to express our sense to the administration that it should designate the IRGC as a terrorist organization, thus, permitting us to invoke these economic sanctions against it.

The IRGC, interestingly enough, engages in a great deal of financial activity around the world, which makes these particular sanctions especially appropriate and potentially very effective. I am pleased it appears there will be an agreement on some slight modifications of language of the amendment which will permit us to, presumably, have a near unanimous vote when this amendment is considered, perhaps later this morning but certainly today.

I am looking forward to a colloquy with Senator LEVIN and Senator

LIEBERMAN so we can discuss our joint understanding of precisely what this joint resolution means and be able to act upon it so we can send a very clear message to the Iranian Government that its involvement against U.S. troops in Iraq will not be countenanced.

That is especially poignant today after the appearance by the Iranian President at a major U.S. university and his appearance today at the United Nations, in which it is pretty clear he will say just about anything to advance what he believes is the cause animating Iran's activities in the world today, whether it is truthful or not.

It seems to me, until there is a firm push back against this man and against the regime which he runs and the terrorist arm of that regime, the IRGC, they are going to continue to do what they do. And that is why it is especially poignant today, as I said, that the Senate act on this sense-of-the-Senate resolution to designate the IRGC as a terrorist organization.

The other matter I wish to briefly talk about is another amendment that is pending before us offered by the Senator from Delaware. This is an amendment that contains several preamble statements about the situation in Iraq, and then calls upon the Iraqi Government to convene a council which will result in the creation of federal regions within Iraq.

This is something the Iraqi Constitution and a special law that was passed permit but does not mandate. It seems to me it would be a very big mistake on the part of the U.S. Government to be seen as demanding that the Iraqi Government take this step, which some would see as a breaking apart of the nation of Iraq, a partitioning of the country of Iraq into different pieces.

The people of Iraq have the authority to do that under this special law and under their Constitution. They fully have intended to have some kind of a conference to consider whether to do it. But I think it would be a big mistake for us to be seen as dictating to the Iraqi people how they want their Government ultimately to be governed, to exist, and to operate.

The creation of federal regions may be an appropriate way for them to do this; it may not. But that decision should be left to them. I think there has been an assumption that at least one federal region in the Kurdish north would be recognized, but there are questions about whether other federal regions would be.

I recognize there are some in the United States, and even in this body, who believe it would be best for Iraq if it were divided into federal regions. Maybe they are right; maybe they are not right. But it is clearly up to the Iraqi people to make this decision.

So were we to express ourselves on this, I think it would also be important for us to confirm our understanding and belief and commitment to the sovereignty of the people of Iraq to make this decision, and to make it clear nothing in this particular resolution in any way is intended to undercut the sovereignty of the Iraqi people to make this decision for themselves. Otherwise, I fear the resolution could be read as the United States dictating to the Iraqis what their country is going to look like in the future and especially because it relates to the partitioning of the country. It seems to me this would be a very arrogant step on our part and something that obviously we do not want to be seen as doing.

I also would make the point that some of the recitations at the beginning of this resolution are misleading, if not outright wrong. It talks about the sectarian violence in the country. There is sectarian violence, but it totally ignores the activities of al-Qaida. Since al-Qaida has spawned much of the sectarian violence, it seems to me this is an incredibly important omission, especially because there are some in this body who talk about a change in mission, eventually having our mission in Iraq evolve to simply a counterterrorism mission, recognizing that al-Qaida is a significant force in the country, and we need to deal with al-Qaida.

We have al-Qaida on the run in the country, but al-Qaida is not gone by any means. In addition to that, al-Qaida spawns some of the sectarian violence as, for example, it did when it blew up the Golden Mosque in Samarra, thus inciting Shiites to attack Sunnis and starting a cycle of violence which continues to this day.

To simply refer to sectarian violence without any reference to the terrorism that is occurring because of al-Qaida would, I think, be a glaring omission and would raise significant questions. Especially if there are those who suggest we should eliminate a message of counterinsurgency, this is also totally contradictory because if you refer to all of the violence in the country as sectarian violence, but there is no counterinsurgency mission for the United States, then basically what you are saying is we simply leave that country to the tender mercies of all those groups engaged in this sectarian violence. That, we know, is antithetical to any kind of peaceful resolution to the disagreements that exist in that country and the eventual reconciliation of the people of that country.

So it seems to me a resolution of this type can do more harm than good in creating confusion about what the understanding of the United States of the situation in the country is, No. 1; No. 2, failing to recognize the prominent role that al-Qaida is playing and the importance of our mission in dealing with al-Qaida; and, third, suggesting it is the position of the United States to dictate to the Iraqi people that they need to partition their country when, in fact, that is a decision that needs to be left to them, which they could make if they wanted to under their Constitution, but certainly are not required to, and nothing we do should suggest we would require them to do so. We have to recognize the sovereignty of that country.

The final point I wish to make is simply this: We have been on the Defense authorization bill now for 2 weeks—14 days. We were on it for many days a couple months ago, until the bill was pulled. There has been a lot of criticism, especially by my colleague, the ranking member on the Armed Services Committee, who has made the point that the time is long past that we should have passed this Defense authorization bill, which contains so many important elements for our troops—the pay raise for the troops, the wounded warrior legislation, and other important elements that are critical for our Armed Services.

For us to continue to simply use this bill as a vehicle to deal with endless resolutions dealing with Iraq—I gather there are a couple more that are on the way—is a misuse of the legislative process and of this important piece of legislation.

So I hope my colleagues would conclude one of these days that we have to pass the Defense authorization bill for the good of the troops and stop this endless debate about trying to change our policy or missions in Iraq. We have had that debate over and over and over again. We are going to have it again in the future. But let's not let it dominate everything we do in this body. I hope we can get on to the final passage on the Defense authorization bill soon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask to be recognized for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GRAHAM. Mr. President, I would like to add my voice to what Senator KYL has echoed. There are two votes today—I hope sometime today—and one is about whether we should adopt a resolution designating the Iranian Revolutionary Guard as a terrorist organization. I think that would be a pretty easy vote for most of us, given the evidence out there about their involvement in international terrorism, particularly the Quds Force, which is sort of a subsidiary, regarding our troop presence in Iraq.

The question, I guess, we need to ask ourselves is: Why would the Iranian Government, through the Quds Force and other organizations, be sponsoring militia groups that are trying to kill Americans in Iraq?

There is a purpose for everything. I know why we are there. From my point of view, we are there to try to stabilize a country in a post-Saddam Hussein era that would allow the three groups to live tolerantly together and be an ally in the war on terror, be a place to check Iran, and deny al-Qaida a safe haven, and it could be a model for future Mideast expansion of representative government and the democratic process.

What would Iran be up to? My belief is the reason the Iranian regime is so hellbent on making sure the Iraqi experiment in tolerance fails in representative government—from a theocracy point of view, from the Iranian Government's point of view, the biggest nightmare for them would be a representative government in Iraq on their border. So they are not going to give that to the Iraqi people without a fight. They certainly are not going to give it to us without a fight.

We need to realize we are in a proxy war with Iran over the outcome of Iraq. For those who have determined this is a civil war only in Iraq, that the outcome is about who runs Iraq, I think you misunderstand the role Iran is playing. Iran is trying to shape Iraq in a way not to be a threat to the theocracy in Iran. They are trying to shape Iraq in a way that would be detrimental to our long-term national security interests. They are trying to be able to say to the world they stood up to America and drove us out. They are trying to expand their influence by defeating us in Iraq and in trying to destabilize their representative form of government, which would, again, be a nightmare.

So this resolution designating the Iranian Revolutionary Guard as a terrorist organization is well founded based on the evidence that is being gathered against this organization. There is more to come. I have had a chance to be over in Iraq a couple times now looking at some cases involving Iranian involvement with the killing and kidnapping of American soldiers. So there is more evidence to come about Iran's involvement in trying to kill Americans and destabilize this representative government in Iraq.

Now, the second resolution is: What role should we play in dictating the outcome of this representative experiment in government in Iraq? I have great respect for Senator BIDEN. I think it is ill advised for us in the Senate to be adopting a resolution basically dictating or trying to give our sense of what should happen in Iraq because that destroys the whole underpinning of what we are trying to do.

The idea that the three groups can live separate and apart from each other without regional consequences is unfounded. The Shias, who wish a theocracy for Iraq, could never achieve that goal without pushback from their Sunni Arab neighbors. The Kurds, who wish to have an independent Kurdish state in the north, are going to run right into the teeth of Turkey. The Sunnis, who wish for the good old days of Saddam where they ran the country—that is never going to happen. The region is not going to allow that to happen.

So at the end of the day, I believe the effort to reconcile Iraq in central Baghdad will be successful not by a sense-of-the-Senate resolution but by a desire and sense of the people of Iraq. The one thing I have learned from my last visit is that local reconciliation in Iraq is proliferating because people are very much tired of the killing. They are war weary. There is a suicide bomber wave going on right now against reconciliation efforts in Diyala Province, where 21 people were killed who were meeting to reconcile that province.

So al-Qaida is alive and well in Iraq. They are greatly diminished, but they show up where reconciliation is being discussed. The reason they show up where reconciliation is being discussed is because their big nightmare is to have Iraq come together and a woman to have a say about her children and Sunnis and Shias and Kurds living in peace and rejecting their extremist view of the Koran.

So the players in Iran and al-Qaida are very much pushing back hard. The question for this country is, Will we stand up to them and push back equally hard and stand by the moderate forces in Iraq, imperfect as they may be?

So I hope one amendment is adopted, designating the Iranian Revolutionary Guard as a terrorist organization. I hope the other amendment, trying to give our sense of what to do in Iraq from the Senate's point of view, fails and we allow the Iraqi people to work out their problems with our help but insist they get on with it.

So with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GREGG. Mr. President, as I understand it, morning business on our side has been extended to 10:35.

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes 45 seconds.

Mr. GREGG. Thank you, Mr. President.

FORUM FOR THE PRESIDENT OF IRAN

Mr. GREGG. Mr. President, I rise as an alumni of Columbia College to ask a question which I suspect is on the mind of a lot of the alumni of Columbia College and probably a lot of average Americans wandering around the country, which is, why did they create a forum for the President of Iran in a way that basically almost made him look like a sympathetic figure because of the actions of the President of the college? Open dialog on our campuses is important. We all recognize that. In fact, it is the essence of a good education. Columbia has a strong history, ironically, of having an extraordinary curriculum called a core curriculum which requires you to study all sorts of subjects whether you want to study them or not so that you gain knowledge in a variety of different areas and are exposed to a variety of different areas.

I have always believed that core curriculum was one of the great strengths of the college and was certainly one of the things I most enjoyed while I was there. So open discussion and having people on the campus who have an opinion which is antithetical to the values of our society is, I suppose, reasonable. But you have to put it in the context of what other discussion is allowed on our allegedly elite university campuses or even some campuses which are maybe Ivy League; that is, if you have a view which is conservative and you happen to want to express that opinion, you are quite often limited as to your ability to speak on those campuses. I, for example, suspect it would be very hard to get a date for Donald Rumsfeld to speak at Columbia. I suspect it would be probably even more difficult to get a date for the President of the United States to speak at Columbia. I am absolutely sure the Vice President of the United States would never be invited to speak at Columbia.

So one has to ask the question, Why did they decide to give a forum to an individual who is running a government of a country, the purpose of which is to develop a nuclear weapon, which nuclear weapon and weapons will be used to threaten world stability and clearly threaten their neighbors in the Middle East? Ahmadi-Nejad has said he intends to eliminate Israel. In his speech yesterday, he affirmed his view that the Holocaust was a theoretical event, maybe never happened—an absurd statement. Yesterday, he went so far as to even describe his whole society as having nobody of a homosexual persuasion. He is leading a terrorist nation, or a terrorist government—the nation itself isn't terrorist, I suspect—but a terrorist government which is in the process of arming people in Iraq who are killing American soldiers. Yet Columbia invites him and gives him a forum in which to spread his values, to the extent you can call them values, or his views. It seems ironic and inconsistent and highly inappropriate in the context of what Columbia would not allow in the area of open discussion, which would be to have, for example, the Vice President of the United States speak, I suspect.

Then, to compound this error—the President of Iran is going to have his forum today at the U.N. Columbia did not have to give him an additional forum—but to compound that error, the president of the university was so egregious in the way he handled the situation, in my opinion, that he actually almost made the President of Iran look somewhat sympathetic, which is almost impossible to do. The attitude of arrogance and officiousness and the posturing of positions and questions by the president of Columbia in a way that basically gave Ahmadi-Nejad the opportunity to basically respond as if he were being coherent—because the questions and the attacks were so aggressive in a way that was arrogant and inappropriate, even in dealing with

somebody like Ahmadi-Nejad—was a startling failure of leadership at the university by the president of the university.

As an alumni, I was embarrassed, to put it quite simply. I was embarrassed by the fact that they would choose to give this individual such a forum, this individual who will probably, for my children, my children's children, and maybe even our generation, be the most significant threat to world peace that we have as soon as he develops his nuclear weapon, which he is on course to do, and then to compound that by setting up the forum in a way where the president of the university basically went way beyond what would be considered to be a coherent and thoughtful and balanced approach to addressing this individual. It would have been much more effective had the president of the university simply allowed the President of Iran to make his statement and, by his own statement, indict himself because that is exactly what he would have done, and he did. But, unfortunately, rather than the President of Iran becoming the issue, which he should be, the president of the university made himself part of the story and the issue.

It was not a good day for Columbia or for alumni of Columbia, in my humble opinion, and it speaks volumes about the level to which the universities in our country, especially those which proclaim themselves elite, have sunk in the area of setting up open and free dialog because, as I said, as has been seen in various universities across this country, conservative thought would not have been given the type of forum this militaristic individual, whose purpose it is to essentially destabilize the world through the use of nuclear weapons, was given. Others would not be given such a forum.

So it is with regret that I rise today to ask why—again, why—why did Columbia pursue this course and why did the president of the university pursue the course he pursued in responding to the attendance of the President of Iran on his campus?

I yield the floor.

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

EXTENSION OF MORNING BUSINESS

Ms. STABENOW. Mr. President, on behalf of the leader, I ask unanimous consent that the time for morning business be extended to 11:45 a.m. today under the same conditions and limitations as previously ordered.

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

REAUTHORIZATION OF CHILDREN'S HEALTH INSURANCE PROGRAM

Ms. STABENOW. Mr. President, I rise today to speak about a very important and very positive issue we are going to be addressing and sending to the President this week; that is, the reauthorization of the children's health care program. This is really a historic, bipartisan effort that has been put together, and it is something we have done together for all of our families and children across America.

We urgently need to pass this bill in its final form and send it to the President of the United States. I know the House of Representatives is doing that today, and it will then come to us. There is no question that it is one of the most important things we will do this year, not only guaranteeing that some 6 million children who currently receive this children's health care program will be able to continue to get health care, but we will be expanding upwards of another 4 million children who will be able to have the health care they need and deserve.

I wish to particularly thank leaders on the Finance Committee, including Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH, for working together in such a wonderful way that has given us the opportunity in the Senate to come together, with the original vote on the bill being 68 Members of the Senate—68 Members of the Senate. In addition to that, we are so thrilled to have Senator JOHNSON back with us so that his vote will be added as well to this very important program.

I also thank our leader, Senator HARRY REID, for making this a top priority and for personally engaging in the negotiations that took place to be able to get us to the point where we have something on which we can move forward in the House and the Senate in a bipartisan way.

This really builds on the bipartisan spirit that created the whole program in 1997. I was in the U.S. House of Representatives representing mid-Michigan at the time and felt that as we put this program together then, it was an incredibly important statement of our values and our priorities. We are talking about working families, moms and dads who go to work every day to maybe one, two, or three jobs who are trying to hold things together and desperately want to make sure their children have the health care they need. That is what this legislation is all about. That is what this program is all about.

Among many good things that have been placed into this bipartisan legislation, I am very proud to say that it makes important improvements in dental care and in mental health care for children. It looks at quality issues and health information technology. I am very pleased that language which I authored concerning creating an electronic medical record for children, a pediatric electronic medical record, is in this legislation so that we can bring children's information together around immunizations and other kinds of health care needs in one place so we can more effectively have them treated and have doctors and hospitals knowing what, in fact, a child's medical record is. I am also very pleased about another piece of the legislation I worked on in relation to school-based health centers and the importance of recognizing them as part of a continuum of care for children.

This bill really does represent a very successful public sector and private sector partnership that helps our families and makes sure more children, children of working families, are able to get health care in this country. In my State of Michigan, a private insurer runs what we call the MIChild Program. Last year, nearly one-third of the children in Michigan relied on either Healthy Kids through Medicaid for low-income children or MIChild, which represents working families, for health care coverage. About three-quarters of the children have at least one working parent. I must say that oftentimes that is mom—mom trying to, again, work one job or two jobs or three jobs, desperately concerned about her children, needing to put food on the table, needing to buy them school clothes, needing to get them what they need to be able to survive and function every day, and knowing that when they desperately need to go to the dentist, they are able to get a dental checkup, or to be able to get basic kinds of health care.

I know too many people who tell me they go to bed at night saying: Please, God, don't let the kids get sick. This program in Michigan, MIChild, and this program which we are now coming together on a bipartisan basis to expand says to those parents: Somebody is hearing you; that we as a country and as a Congress care about the children of this country and making sure they have their health care needs met.

It is so important to stress that this is not a program for wealthy families, for rich kids. We have heard so much misinformation about what this program is all about. In Michigan, a family of four cannot make over $40,000 to qualify for MIChild. This is, again, a family of four. If there are two working parents, working just barely above poverty level, this allows them to be able to get the health insurance they need for their children.

The Saginaw-based Center for Civil Justice shared a story with me about a young mother named Christie whose husband was laid off and the family income dropped to less than $2,000 a month for a family of five—less than $24,000 a year for a family of five. Nearly half of that goes to rent and utilities, like most families. The children's health care program in Michigan, MIChild, has helped their three children, who are 4 years old, 3 years old, and 8 months. Thankfully, they have been able to—in Michigan, we have had a dental benefit, which is something we are going to provide through this bill. Without that, Christie's children would not have what they need.

Recently, one of the children needed to have their tonsils removed. I remember those days with my children. It would not have been able to be done—it could have turned into a much more serious situation for that child—if it was not for the children's health care program. It makes a difference in children's lives every day.

Another mom, Pam, is a full-time preschool teacher and mother. Her monthly premiums of $384 per month, or over $4,500 per year, would have taken up a fifth of her pay if she was trying to pay through a private individual plan.

But through MICild, she was able to get the specialized care she needed for her daughter, who suffers from a rare seizure disorder. She would not have been able to care for her daughter if it were not for the children's health care program.

Like Pam, most working families simply cannot afford traditional health insurance and make ends meet—to be able to pay rent, utilities, a mortgage payment, or purchase food and school clothes, and, on top of that, find an individual policy that is affordable in the private market. According to the Commonwealth Fund, nearly three-quarters of people living below 200 percent of the poverty line found it very difficult or impossible to find affordable coverage in the individual market. Premiums for individual market coverage for families with incomes between 100 percent of poverty and 199 percent of poverty—which is what we are talking about and what we have in Michigan—on average, one-quarter of the family's total income—25 percent—would be premiums for health care in the private market. Faced with these costs, many families just don't have the coverage because they cannot afford to do it and at the same time put food on the table. The situation is even worse for families with chronic conditions, such as asthma or juvenile diabetes. If they were able to purchase coverage in the individual market, costs would be much higher.

The children's health program, it is important to note, is not just for kids in cities, it is not just an urban program. This program helps all children regardless of where they live. In fact, according to the Carsey Institute, they found that there were more children in rural areas who were benefiting from the Children's Health Insurance Program than in urban areas—32 percent of rural children versus 26 percent of urban children. So this really is something that touches every single part of the country, every single part of our States, and families all throughout America who are working hard every day and counting on us to help them to be able to get the children's health care they need.

We are taking a huge step forward for our Nation's uninsured children, the vast majority of whom—78 percent—live in working families. Seventy-eight percent live in a home where mom and/or dad is working, but they are not making enough to be able to afford private premiums in the private individual market. Because the importance of the children's health care program is so critical for so many families, I urge my colleagues not to listen to inaccurate statements or negative attacks but to join together, as we have done, in a wonderful bipartisan effort in the Senate to send a very strong message to this President that we come together on behalf of the children and the working families of America to put our values and priorities in the right place. That is what we are talking about here. This is about choices, about values, about priorities.

This bill is totally in line with what President Bush proposed at the 2004 Republican Convention. He said at that time:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for Government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, Mr. President, this bipartisan compromise, this bipartisan victory which has been put together in the Congress is an aggressive effort to enroll millions of poor children into a successful public-private partnership. This bill before us is a chance to make a real difference in the lives of millions of children—millions of children who, without us and the children's health care program, will not have that chance.

We need to do the right thing. Every day, as we wait, children are growing; they don't wait for us. They keep on growing whether we are debating, whether we are in committee meetings. Regardless of what we are doing, the children of America keep on growing. They keep on having needs—dental or broad health care needs or mental health needs. It is time to do the right thing. We have it within our grasp. A tremendous amount of hard work has gone into this. Let's remember the bipartisan spirit that created this great program in 1997. Let's remember that the Children's Health Insurance Program is truly a great American success story for which we can all take credit. We can join together in taking credit for it.

Let's pass this bill and, most importantly, let's together urge the President of the United States to do the right thing on behalf of the children of America.

Mr. President, I yield the floor.

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

Mr. BROWN. Mr. President, I thank Senator STABENOW, my friend from Michigan, for the comments about children's health. She is right-on about that. Look at the choice. We are going to spend $2.5 billion a week in Iraq. Yet we are unwilling per year to spend $7 billion to insure 4 million additional children—some 75,000 in my State and 50,000 or 60,000 in the State of Michigan next door. We are spending $2.5 billion a week in Iraq. Yet the President says he is going to say no and veto this bill on children's health.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers, to our manufacturers, and to our small businesses. Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families and children to products that can harm them, that in some cases have even killed them.

From pet food to toothpaste, from tires to toys, news stories almost every day highlight the consequences of our Nation's failed trade policy. Countries such as China lack basic protections we have come to take for granted. Given the well-known dangers of lead, particularly for young children, our Government banned it from products such as gasoline and paint in the 1970s. Yet our trade policy is turning back the clock on the hard-fought safety standards that keep our families and our children safe.

What happens should come as no surprise. When we trade the way we do, when we bought $288 billion of products from the People's Republic of China last year and $288 billion this year—it will probably exceed $300 billion—and we are trading with a country that doesn't have close to the same safety standards for its own workers or safe air or drinking water standards for its own water, why would we expect them to sell safe products to our country?

It is compounded by the fact that companies, such as Mattel say to the Chinese contractors: We want you to cut costs. Lead paint? Use it; it is cheaper. Cut corners so we can save money.

It is no surprise because American corporations have pushed the Chinese to cut costs, and at the same time China doesn't have fair labor standards, clean air, and safe drinking water standards for their own people. Of course they are going to sell products back to our country such as contaminated toothpaste and pet food and dangerous toys with lead-based paint on those products.

Our trade policy should prevent these problems, not invite them. Despite the real and present danger from Chinese imports, we must not focus solely on consumer threats from China. The real threat is our failed trade policy that allows recall after recall. The real threat is our failure to change course and craft a new, very different trade policy. The real threat is this administration's insistence on more of the same—more trade pacts that send U.S. jobs overseas, more trade pacts that allow companies and countries to ignore the rules of fair trade, more trade

pacts that will mean more tainted products in our homes, more dangerous toys for our children, and more recalls for our businesses.

The administration and its free-trade supporters in Congress are gearing up for another trade fight. They want to force on our Nation—a nation that in November, in Montana, Ohio, and across the country, demanded change—more job-killing trade agreements with unreliable standards. Free-trade agreements with Peru, Panama, Colombia, and South Korea currently being debated in Congress are based on the same failed trade model.

This week, the Peru trade agreement is at the forefront of the debate between fundamentally flawed trade models—more of the same—and the fight for fair trade. We want more trade, plenty of trade; we just want fair trade, different rules.

The Peru free-trade agreement, like NAFTA, while it has some improvements over that, puts limits on the safety standards we can require for imports. FDA inspectors have rejected seafood imports from Peru and Panama—major seafood suppliers to the United States. Yet the current trade agreement, as proposed—the Bush administration's Peru and Panama agreements—limits food safety standards and border inspections. What has happened already is where, frankly, we have bought too many contaminated products, contaminated seafood imports, and whatever problems we have, this trade agreement will make it worse because this agreement will limit our own food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

It is time for a new direction in trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. It is time for a trade policy that creates new businesses and good-paying jobs at home instead of a trade policy that encourages companies to outsource and move overseas. It is time for a trade policy that puts an end to the global exploitation of cheap labor.

The voters in November shouted from the ballot box, demanding a new trade policy. Their resounding call for a new trade policy put Members of Congress on notice that their trade votes in Washington matter to voters back home.

With Peru, Panama, Colombia, and South Korea, voters in my State of Ohio and across the Nation are watching these trade debates. Everyone agrees on one thing: We want more trade with countries around the world, but first we must protect the safety and the health of our families and our children.

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

PRESIDENTIAL VISIT

Mr. BROWNBACK. Mr. President, I want to talk on two issues with my colleagues. One is about Iran. The President of Iran is now in the United States. Mahmud Ahmadi-Nejad is in the United States enjoying liberties here that are not enjoyed in his home country by his fellow citizens. I want to make a point of that. I want to talk about what he has said and what he has done. I think there is a substantial difference. I want to point out that we should pass the Lieberman-Kyl amendment regarding the designation of terrorist organization by—that the IRGC be designated as a terrorist organization. Finally, I will wrap up with a discussion about the Biden-Brownback amendment on federalism in Iraq, which I think would be very important.

President Ahmadi-Nejad took advantage of the freedoms we enjoy to spread lies in the United States. I believe his appearance was disgraceful. I think the things he is saying are outright lies—what he is saying versus what he has done. He looked his audience in the eye and he lied. He knew he was telling lies, and the audience knew it.

Let's talk about the real truth inside Iran. I want to speak about what is taking place there.

I have chaired the Middle East subcommittee in the past. I have worked on issues regarding Iran. We have worked to secure and have secured funding for civil society development inside Iran. I worked with a number of Iranian dissidents who have been forced out of that country. We have seen it taking place on the news.

President Ahmadi-Nejad is enjoying liberties now in this country that are not available to his people. It would be easier to spend time in his own country developing these same civil liberties for individuals and renouncing terrorism rather than trying to go to the World Trade Center site where terrorists killed so many of our citizens.

President Ahmadi-Nejad and Ayatollah Khamenei are not trustworthy leaders. The Iranian people do not enjoy freedom of speech. Their people do not have a free press. The Iranian Government represses women and minorities. They do not tolerate religions other than their own extreme version of Shia Islam.

For example, consider the Baha'is of Iran. Since 1979, the Islamic Republic of Iran has blocked the Baha'is' access to higher education, refused them entry into universities and expelled them when they are discovered to be Baha'is.

Recently, a 70-year-old man was sentenced to 70 lashes and a year in prison for ''propagating and spreading Bahaism and the defamation of the pure Imams''—a 70-year-old man, 70 lashes, a year in prison.

We must stand with the teachers who are getting purged from academic institutions in Iran for speaking their minds, with the Iranian-American scholars who are being arrested on trumped-up charges, and with newspaper editors who refuse to censor according to Government demands.

Isn't it amazing that President Ahmadi-Nejad would see that taking place in his country and yet come here to enjoy our civil liberties of freedom of the press, freedom of assembly, to speak his mind when he cannot do it in his country? We should be reaching out to the students, the labor activists, and the brave leaders of Iran's fledgling civil society and offer our support for their views and for an open society in Iran. It is not only a moral imperative, but I believe it is also in the strategic interest of the United States and of people of civil societies in the West and throughout the world.

This context is important as we consider the amendment offered by Senator LIEBERMAN and Senator KYL. Yesterday Ahmadi-Nejad claimed that Iran is a free country, where women are respected and life is good for the Iranian people. We know this is not true.

Yesterday, we also heard from Ahmadi-Nejad that Iran does not want to attack Israel, that it is not meddling in Iraq and Afghanistan, and it does not want a nuclear weapon. We know this is not true. They are meddling in Iraq, attacking our troops with weapons developed in Iran. They have held conferences stating a world without Israel, a world without the United States.

Iran's leaders would say the IRGC is not a threat, but we have no reason to believe them. In fact, we know the IRGC is killing our soldiers in Iraq. It is working with Hezbollah in Lebanon and it is present in other countries around the world advancing the agenda of the Supreme Leader in Iran.

The IRGC is the very definition of a terrorist organization, and Iran as a nation is the lead sponsor of terrorism around the world. The IRGC should be designated formally as a terrorist organization so that the full power of the American Government can be applied to combating its activities. The IRGC is not a normal military arm of a sovereign government. It is the operational division of the world's most dangerous state sponsor of terrorism. If we think of terrorism as a threat, we must designate the IRGC as a terrorist organization.

I hope the President of Iran will renounce terrorism and the support for terrorism today, although I know he will not.

POLITICAL SURGE IN IRAQ

Mr. BROWNBACK. Mr. President, on another matter on which we are going to be voting shortly, the Biden-Brownback amendment, I wish to show this map of Iraq. I note to my colleagues in the time I have, when President Bush saw the military situation was devolving on the ground and was moving toward civil war, he called for a military surge. He said: It is not working; we are not getting control; we

need more troops. I had difficulty with that decision. I questioned whether it would work. But I think one has to say this has worked, that it has calmed down much of the situation. We don't know for what period of time. It certainly has produced a lot of results in Anbar Province.

I was at Fort Leavenworth in Kansas yesterday meeting with a number of key leaders in the military who have been in and out of Iraq several times. They were quite pleased with the number of positive events moving forward in Iraq with the military situation.

If we look at the GAO report of what is taking place on the political situation in Iraq where there has been a military surge, when the military surge has produced results, what I am contending now is we need a political surge. The military situation is more stable. It is certainly not completely stable in Iraq, but it has produced an environment where we need a political surge, and the current political setup is not producing that situation.

When the military situation was not producing results, we made changes. The political situation is not producing results, and I suggest we have to have changes in this situation as well. We did not hesitate to move forward with a U.S. strategy on keeping a civil war from going full blown in Iraq. We should work now with a political surge in Iraq because this current situation is not working. Two weeks ago, when General Petraeus and Ambassador Crocker testified, the focus was on General Petraeus when I think the focus should have been on Ambassador Crocker.

As we see in the GAO assessment, the Iraqi Government has met 3 benchmarks politically, partially met 4 benchmarks, and did not meet 11 of the political benchmarks that we in Congress had set and that the administration had gone along with and said, yes, those are realistic. Out of 18 total, 11 have not been met at all, 4 partially met, and 3 met. That is not working politically.

I am showing a map of Iraq under the Ottoman Empire. It is broken into three categories, referred to as Mesopotamia at that point in time—Shia south, Sunni middle, and Kurdish north, with Baghdad as a federal city. They had it broken into three states. My point in saying this is—and the Chair will recognize this as he was raised in farm country, raised on a farm—you can work with nature or you can fight it. My experience is you are a lot more successful when you work with it than try to fight.

There is a natural setup in Iraq. There are divisions which people have lived with and in for a long period of time. We can try to force the whole country together and hold it together with a strong military force, or we can recognize these difficulties and say we are going to work with this situation. And we have in the north, in the Kurdish portion of the country. We said the Kurds run the Kurdish portion.

I was up there in January. It is stable, growing, with investments taking place, people moving into the area, the exact situation we want to see taking place across all Iraq. Wouldn't it be wise at this point in time to allow a Sunni state to develop, still one country, but devolving the power and authority more down to a state level of government and have the Sunnis have a police force and a military in their region, and the Shia doing the same in their region so they trust the structure, so they are willing to work with us?

This is a political structure that can meet some benchmarks we set and others set. Why would we be hesitant putting in a political surge and pushing? We were not hesitant about pushing a military surge and pushing that piece of it. I don't see why we wouldn't do a political surge.

This is a map of Bosnia-Herzegovina. This was before the Dayton accords and then after the Dayton accords. This is a very diverse map of what was taking place. This is the former Yugoslavia. We can see the different ethnic groups. We can see them spread around.

I now wish to show a map of what took place after the ethnic sectarian buttons were pushed and you had people sorting out, you had people moving to various parts to feel more comfortable and more secure, and this sorted out.

Then we saw the Bosnia-Herzegovina lines under the Dayton peace agreement that the United States pushed. It was a political agreement because the people on the ground could not agree to this themselves. This is something they could not deal with on their own because their own people would say we don't trust these guys or we don't trust those guys, we can't deal with them. We had to go in with a very aggressive military force that is still sitting there to enforce an agreement that was uncomfortable on the ground. We came in with a political surge to say: OK, this is something that should take place. We forced the parties to come to an agreement, and they have been at relative peace. There have been different breakouts. There is tension in the region. We still have troops in the area, as many others do, 15 years later, but this has maintained a relative peace.

I wish to show a map of Baghdad now. My point in saying that is, at times in these types of situations, I believe we have to have a U.S. push for a political surge. I am suggesting that we have a well-known, well-regarded policy person—maybe a Jim Baker, maybe it is Condoleezza Rice, maybe it is Colin Powell—who goes over and knocks out the agreement between particularly the Sunni and Shia who have not been able to get along. The Sunnis have run the country for a century, but they are in the minority. They think they still ought to run the country, but that is not going to happen. The Shia who are in the majority are not confident at all that the Sunnis are not coming back to run the place again, and they don't trust them.

We see ethnic splitting. This is a map of Baghdad. The Tigris River runs through the middle. This is purifying more Sunni and more Shia. The hash lines to the left are Shia purifying, and Sunni purifying on the other side, and a lot of people moving out of this region.

This makes all the sense in the world. Instead of trying to fight against this situation and trying to force Sunni and Shia together into one government that has a strong centralized government, we are only going to get a weak Shia government because the Kurds and the Sunnis are not going to agree with a strong Shia government, and we devolve the power and authority mostly out to the states and let them run it. We would have the Sunnis running their region and the Shia running their region in Baghdad. That is a way we can work with the natural setup of the situation. That is what we are calling for in the Biden-Brownback amendment. It has a number of cosponsors from both sides. It is a political surge that recognizes the realities on the ground and says this is something that can produce results in keeping with what we are doing militarily in trying to give the political environment a setting in which it can work.

This current political setup is not going to work. It has not produced results. It has not produced results to date. It is unlikely to produce results in the future. I think it has failed as a political structure. We have seen a portion of this already work in the northern region, in the Kurdish region where the Kurds run their area and it is stabilized and moving forward. That is why I urge my colleagues to look at this amendment. This is a positive step on our part. It is a positive step for the Iraqis.

Some of my colleagues believe it is the U.S. dictating to them what they ought to do. I contend in the Dayton peace agreements we pushed awfully hard. They still had to make the decision, as the Iraqis will. I also believe because of these ethnic sectarian divisions that have existed for some period of time, that unless an outside force comes in and pushes aggressively, these things are unlikely to happen because the leaders are not going to be able to lead their people voluntarily; it is going to have to be something with some push.

We are going to have to work with the nations in the region as well to make sure the people we worked with a lot—the Saudis and Jordanians, in particular, and others within the region as well—are supportive of this plan. We have to assure them that Iraq will remain one country. One of the points they have all been adamant about is that Iraq remain one country. It would remain one country, as Bosnia-Herzegovina has remained one country, although it is split into two states.

We can do this. It is a positive step. It is a bipartisan step on a topic that certainly could use a little bipartisanship. We haven't had much on Iraq. That is the way we overall lose in a situation, when we split here. If we will stand together here, we will not lose over there. We need to start pulling people together around some sort of common idea and not say: Well, because it is a Democratic idea, I guess we can't do it, or because it wasn't proposed by certain individuals, we aren't going to do it.

Let's pull together. This is something that can and will work, and it is something we need to do because if we can get this situation to stabilize, we can start pulling our troop levels back. I do not believe we will pull our troop levels completely out of Iraq for some period of time, just as we are still in the Bosnia region for some period of time. We can pull our troop levels back, certainly pull them back to the Kurdish, Sunni, and Baghdad to keep as a stabilizing force for some years to come, but not losing troops on a daily basis and we will be able to get those troop levels down.

This is something we can work on in a bipartisan way and get us pulling together and get us into a stable political environment. It is not a perfect solution. There isn't a perfect solution that exists. I think it is a far better one and far more likely to produce political results on a benchmark basis of stability that we can work with and that we can then move forward in facing other more difficult situations, other equally difficult situations in the region, as I started off talking about—Iran, the lead sponsor of state-sponsored terrorism, which is one we have to address with what they are doing in the region.

I yield the floor, and I 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. DURBIN. 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.

LITTLE ROCK NINE

Mr. DURBIN. Mr. President, today marks an important anniversary in America's continuing efforts to create a truly just and more perfect Union. It was 50 years ago today—50 years—that nine courageous high school students in Little Rock, AR, stood up to a jeering, threatening crowd, the Arkansas National Guard, and their own Governor to claim their fundamental right for equal educational opportunity.

I can still recall as a child, seeing that scene on black-and-white television, a scene that has been replayed so many times, watching those students as they walked through that gauntlet of hate into a high school. High school, for most of us, was a joyous experience, a happy experience. For many of these students, their high school career began with fear.

These young people, not chosen by any scientific method but almost by chance, came to be known as the Little Rock Nine. Thankfully, it is hard for many Americans to understand what courage it took for them to walk into Little Rock Central High School in 1957. You know what it took? For those kids to walk into that high school, it took an order from President Dwight David Eisenhower, the protection of the U.S. Army, the extraordinary legal talents of future Supreme Court Justice Thurgood Marshall, and daily guidance from caring adults such as Daisy and L.C. Bates. Above all, it took the daily faith and courage of those nine young kids and their families.

The crowds who surrounded Little Rock Central that day may have disappeared after a few tense days, but the taunts and threats to those nine students continued for the entire school year. In the end, those nine young students became America's teachers. They showed us and they showed America how we could live closer to our ideals.

Although their names will always be linked first and foremost with Arkansas, the people of my State are proud that four of the Little Rock Nine went on to college in Illinois. Gloria Ray Karlmark earned a mathematics degree from the Illinois Institute of Technology in Chicago. Three of the Little Rock Nine earned degrees at Southern Illinois University, a great university in my State, which prides itself on having opened its doors and cast away any racial prejudice very early. It became well known throughout the African-American community as a place where higher education was available for those African-American students who were striving to better themselves.

Minnijean Brown Trickey graduated from Southern Illinois University and went on to a distinguished career in education, social work, and public service that included serving in the Clinton administration as a Deputy Secretary at the U.S. Department of the Interior.

Dr. Terrance Roberts earned a master's degree and a Ph.D. in psychology from SIU. Today, he is a professor and practicing psychologist in California.

Thelma Mothershed Wair earned a B.S. and a master's degree in guidance counseling from SIU, married a fellow SIU student from my hometown of East St. Louis, and served as an educator and an inspiration in the East St. Louis school system for 28 years before she retired.

A lot has changed in America over the last 50 years. Little Rock Central High School remains one of the best, most challenging high schools in Arkansas. Today, it has an African-American student body president. Other communities that were once deeply divided by race—and not all of them in the South, I might add—have changed as well.

In my home State, my Land of Lincoln, a few weeks ago I visited a town I have come to know over many decades—Cairo, IL. Forty-five years ago, Cairo was a hotbed of Ku Klux Klan activism. In the land of Lincoln, in 1960, there was a white citizens council that was doing its best to keep Cairo a segregated town, many years after Brown v. Board of Education. The head of the white citizens council was the white states attorney for Alexander County. Similar to many southern towns, Cairo closed its municipal swimming pool rather than allow black and white children to swim together. Today, I am proud to tell you that the mayor, the city treasurer, and the police chief of Cairo are all African-American.

But the struggle for equal justice is not over. Last week, thousands of people from communities across America traveled by plane, car, and bus to Jena, LA, with a population of less than 3,000, to protest what appears to be separate and unequal justice. The facts in what has come to be known as the Jena 6 case sound disturbingly similar to so many cases from an era so many of us thought was long gone.

One year ago, some African-American students at Jena's public high school asked the school administrators if they could sit under a shade tree outside the school, and they were told they could. For years, that tree outside their school had been known as the ''white tree.'' By custom, its shade was for white students only. Days after African-American students dared to sit under that tree, nooses were hung from its branches—nooses. Local authorities dismissed that unmistakable reference to the terrorism of lynching as another youthful prank.

Over the next 2 months, tensions rose at the high school. A series of fights between black and white students escalated. Each time, black students were punished more severely than the white students who took part in the same fights. Finally, last December, six young men, all African-American, were arrested and charged with attempted murder and other serious felonies that could send them to prison for a collective 100 years.

The problem of unequal justice is not confined to the South, and it is not limited to race. It is easy to condemn yesterday's wrongdoing, but the Little Rock Nine had the courage to oppose injustice in their own time. In our time, few people still condemn the overt racism of Jim Crow and ''whites only'' drinking fountains, but many still excuse and justify discrimination and unequal justice based on such distinctions as national origin and sexual orientation.

I believe one day in the not-too-distant future, we will look back on these attitudes and wonder how we could have tolerated such discrimination and division.

It is good to reflect on times past, the heroes and heroines of those eras,

but also to reflect on what America was like, how people reacted to that scene in Little Rock, AR, and how they reacted to Dr. Martin Luther King. It is easy now, some 50 years later, to suggest everybody knew it was the right thing to do in Little Rock and that everyone understood Dr. Martin Luther King's message was consistent with our values as Americans. But we know better. We know America was divided—some cheering those students and some cheering the crowds.

We learn from experience. I believe in redemption, personal and political. I think as each of us makes mistakes in our lives, we are oftentimes given a chance to correct those mistakes. I think when our Nation has made a mistake, whether it is slavery or racism, we are given a chance to correct that mistake. Today, as we celebrate the 50th anniversary of the Little Rock Nine, let us reflect on how far we have come.

Melba Patillo Beals, a member of the Little Rock Nine, went on to a distinguished career as a journalist and author. In a book about her role in history, she wrote:

> If my Central High experience taught me one lesson, it is that we are not separate. The effort to separate ourselves—whether by race, creed, color, religion or status—is as costly to the separator as to those who would be separated. The task that remains is to see ourselves reflected in every other human being and to respect and honor our differences.

The best way we can honor the courage of the Little Rock Nine is to follow their example—to have the vision and the courage to confront the injustices of our time.

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

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

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

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

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, I would like to express my concern about amendment No. 3017, the Kyl-Lieberman amendment, which among other things—and most troubling—would designate the Iranian Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

I think we all have a great deal of concern about the activities of Iran. We as a nation have stood strongly and will continue to speak strongly about those activities. We have taken no options off the table. I fully support all of those precepts.

At the same time, I do not believe that any serious student of American foreign policy could support this amendment as it now exists. We know there are problems in Iraq. We are trying to decipher the extent of those problems as they relate to Iranian weapons systems and the allegations of covert involvement. We also know that in Iraq other nations are playing covertly. The Saudis, for instance, are said to have the plurality of the foreign insurgents operating in Iraq and the majority of the suicide bombers in Iraq. We also know there is potential for volatility in the Kurdish area of Iraq with respect to the relations with Turkey.

We are addressing these problems. In fact, the ''whereas'' clauses in this amendment speak clearly as to how our troops on the ground are addressing these problems.

I fought in Vietnam. We had similar problems throughout the Vietnam war because of the location of Vietnam, the propinquity of China. I think it can fairly be said that in virtually every engagement in which I was involved in Vietnam, we were being shot at with weapons made either in China or in Eastern Europe. There is a reality to these kinds of wars, and we are addressing those realities. But they need to be addressed in a proper way.

Probably the best historical parallel comes from the situation with China during the Vietnam war. China was a rogue state, had nuclear weapons, would spout a lot of rhetoric about the United States, and had an American war on its border. We created the conditions in which we engaged China aggressively, through diplomatic and economic and other means. And we have arguably succeeded, along with the rest of the world community, in bringing China into a proper place in that world community.

That is not what this amendment is about. The first concern I have, when we are talking about making the Iranian Revolutionary Guard a terrorist organization, is, who actually defines a terrorist organization? The Congress, to my knowledge, has never defined a terrorist organization. The State Department defines terrorist organizations. At last count, from the information that I have received, there are 42 such organizations that have been identified by the State Department in accordance with the laws the Congress passed.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

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

CURRENT LIST OF DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

1. Abu Nidal Organization (ANO)
2. Abu Sayyaf Group
3. Al-Aqsa Martyrs Brigade
4. Ansar al-Islam
5. Armed Islamic Group (GIA)
6. Asbat al-Ansar
7. Aum Shinrikyo
8. Basque Fatherland and Liberty (ETA)
9. Communist Party of the Philippines/New People's Army (CPP/NPA)
10. Continuity Irish Republican Army
11. Gama'a al-Islamiyya (Islamic Group)
12. HAMAS (Islamic Resistance Movement)
13. Harakat ul-Mujahidin (HUM)
14. Hizballah (Party of God)
15. Islamic Jihad Group
16. Islamic Movement of Uzbekistan (IMU)
17. Jaish-e-Mohammed (JEM) (Army of Mohammed)
18. Jemaah Islamiya organization (JI)
19. al-Jihad (Egyptian Islamic Jihad)
20. Kahane Chai (Kach)
21. Kongra-Gel (KGK, formerly Kurdistan Workers' Party, PKK, KADEK)
22. Lashkar-e Tayyiba (LT) (Army of the Righteous)
23. Lashkar i Jhangvi
24. Liberation Tigers of Tamil Eelam (LTTE)
25. Libyan Islamic Fighting Group (LIFG)
26. Moroccan Islamic Combatant Group (GICM)
27. Mujahedin-e Khalq Organization (MEK)
28. National Liberation Army (ELN)
29. Palestine Liberation Front (PLF)
30. Palestinian Islamic Jihad (PIJ)
31. Popular Front for the Liberation of Palestine (PFLF)
32. PFLP-General Command (PFLP–GC)
33. al-Qa'ida
34. Real IRA
35. Revolutionary Armed Forces of Columbia (FARC)
36. Revolutionary Nuclei (formerly ELA)
37. Revolutionary Organization 17 November
38. Revolutionary People's Liberation Party/Front (DHKP/C)
39. Salafist Group for Call and Combat (GSPC)
40. Shining Path (Sendero Luminoso, SL)
41. Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (QJBR) (al-Qaida in Iraq) (formerly Jama'at al-Tawhid wa'al-Jihad, JTJ, al-Zarqawi Network)
42. United Self-Defense Forces of Colombia (AUC)

Mr. WEBB. The second concern I have is that we as a government have never identified an organization that is a part of a nation state as a terrorist organization. From the statement of the Senator from Connecticut yesterday, there are potentially 180,000 people in the Iranian Revolutionary Guard who are part of a military force of an existing state. Categorizing this organization as a terrorist organization is not our present policy of keeping the military option on the table. It is for all practical purposes mandating the military option. It could be read as tantamount to a declaration of war.

What do we do with terrorist organizations? If they are involved against us, we attack them. What is a terrorist organization? Traditionally, we have defined a terrorist organization as a nongovernmental entity that operates along the creases of international law and does harm to internationally protected people.

By the way, it is kind of interesting to note that last week the Iraqi Government claimed that Blackwater is a terrorist organization for the way it operates inside Iraq. I am not making that allegation. I am giving an example of how people categorize these groups.

The Revolutionary Guard is part of the Iranian Government. If they are attacking us, they are not a terrorist organization. They are an attacking army. But are they? I am not sure about that. If they were, we would be hearing some pretty strong expressions of support.

Last weekend we had Admiral Fallon, who is General Petraeus's operational commander, responsible for all of the nations in that region, not simply Iraq, saying:

I expect there will be no war and that is what we ought to be working for.

We should find ways through which we can bring countries to work together for the benefit of all.

This constant drumbeat of conflict is what strikes me—

Says Admiral Fallon—

which is not helpful and not useful . . . I expect there will be no war. . . .

We have General Petraeus, whose comments are widely quoted in the ''whereas'' clauses.

When he was testifying in front of the Foreign Affairs Committee in his official testimony, he did mention that Iran was using the Quds Force to turn Shiite militias into a Hezbollah-like force to fight a proxy war, et cetera. But then when he was asked a question about it, General Petraeus said: The Quds Force itself, we believe, by and large, those individuals have been pulled out of the country as have been the Lebanese Hezbollah trainers who were being used to augment that activity.

We have the statement of Prime Minister Maliki in today's Washington Post. He said: Iran's role in fomenting violence diverges from the administration's. His opinion. His government has begun a dialogue with Iran and Syria, according to him, and has explained to them that their activities are unhelpful. Our relations with these countries have improved, he said, to the point they are not interfering in our international affairs.

Asked about the Revolutionary Guard forces, which the U.S. military charges are arming, training, and directing Shiite militias in Iraq, Maliki said:

There used to be support through borders for these militias. But it has ceased to exist.

Now, I am not saying all of this is factually 100 percent right. I am not saying the other side is right. Here is what I am saying: We haven't had one hearing on this. I am on the Foreign Relations Committee, I am on the Armed Services Committee. We are about to vote on something that may fundamentally change the way the United States views the Iranian military, and we have not had one hearing. This is not the way to make foreign policy. It is not the way to declare war, although this clearly worded sense of the Congress could be interpreted this way. These who regret their vote 5 years ago to authorize military action in Iraq should think hard before supporting this approach, because, in my view, it has the same potential to do harm where many are seeking to do good.

The constant turmoil that these sorts of proposals and acts are bringing to the region is counterproductive. They are a regrettable substitute for a failure of diplomacy by this administration. This kind of rhetoric will only encourage the Iranian people to rally around bad leadership because of the fear of foreign invasion. Fear of the outside is the main glue that authoritarian regimes historically use when they face trouble on the inside.

Admiral Fallon agrees with this view. The Baker-Hamilton report was adamant about the need to engage these nations. The facts of our economy say so. Going back to the beginning of the Iraq war, in the fall of 2002, 5 years ago, oil was $25 dollars a barrel; it is $82 a barrel today. The price of gold was below $300, yesterday it was $740.

The value of our currency is at an all-time low against the Euro, at parity for the first time in 30 years with the Canadian dollar. This proposal is DICK CHENEY's fondest pipe dream. It is not a prescription for success. At best it is a deliberate attempt to divert attention from a failed diplomatic policy. At worst it could be read as a backdoor method of gaining congressional validation for military action without one hearing and without serious debate.

I believe this amendment should be withdrawn so we can hold sensible hearings and fulfill our duty to truly examine these far-reaching issues. If it is not withdrawn, I regrettably intend to vote against it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, would the Chair have the bill reported that is now before the Senate.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

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

The legislative clerk read as follows:

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

Pending:

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

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

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

Biden amendment No. 2997 (to amendment No. 2011), to express the sense of Congress on federalism in Iraq.

AMENDMENT NO. 2064

Mr. REID. Mr. President, I call for the regular order with respect to the Graham amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3035 TO AMENDMENT NO. 2064

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. Mr. President, I do have an amendment at the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, for himself and Mr. SMITH, proposes an amendment numbered 3035 to the language proposed to be stricken by amendment No. 2064.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk and ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.

Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to morning business, with Senators permitted to speak therein for up to 10 minutes each, and the morning business be until 12:30 today.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, because there is other business we are considering because of the October 1 date hitting us, we will likely attempt to go into morning business from 2:15 until we finish the event with Senator BYRD this afternoon. But we will come back at 2:15 and deal with that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess today from 3:30 to 5 p.m.

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

RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:22 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant 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.

MOTION TO COMMIT

AMENDMENT NO. 3038

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to commit H.R. 1585 to the Committee on Armed Services with instructions to report back forthwith, with the following amendment numbered 3038:

The provisions of this Act shall become effective 3 days after enactment.

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

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

The yeas and nays were ordered.

AMENDMENT NO. 3039

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3039 to the motion to commit.

The amendment is as follows:

Strike ''3'' and insert ''2''.

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

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

The yeas and nays were ordered.

AMENDMENT NO. 3040 TO AMENDMENT NO. 3039

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3040 to amendment No. 3039.

The amendment is as follows:

Strike ''2'' and insert ''1''.

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

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

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further cloture motions in relation to this bill be in order for the remainder of the day.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we understand there may be the proverbial side-by-side in relation to the hate crimes matter. This means the Republicans may file their own version of hate crimes, so we will work that out. This does not apply to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I am going to ask unanimous consent that the Senate go into morning business. The managers of the bill may come and see if they can process some amendments, but we are not going to do that right now.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the real.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are in a period for morning business.

The PRESIDING OFFICER. The Senator is correct, a 10-minute period during which to speak.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, sometimes the American people demand that Congress and the administration enact initiatives to address fundamental national needs. During the Depression, we enacted Social Security to see that seniors lived their later years with dignity. In the 1940s, we opened the doors to education for returning veterans through the GI bill. In the 1960s, we took action to see that seniors had quality health care, and the result was Medicare. In the 1990s, Democrats and Republicans, Congress and the administration, States and the Federal Government all worked together to help alleviate the crisis in children's health by enacting CHIP.

The success of each of these programs has echoed through the decades in the lives of millions of Americans. Today, we stand at a crossroads, faced with a choice with a path that will continue and strengthen the promise of good health and a strong start in life that CHIP brings to millions of children or whether we will turn away from that promise and curtail the help and the hope CHIP brings.

Many of the best ideas in public policy are the simplest. The Children's Health Insurance Program is based on one simple and powerful idea: that all children—all children—deserve a healthy start in life and that no parents should have to worry about whether they can afford to take their children to the doctor when they are sick.

CHIP can make the difference between a child starting life burdened with disease or a child who is healthy and ready to learn and grow. That is why CHIP has always enjoyed bipartisan support. This support goes back

to 1996 when Massachusetts enacted a State program that became one of the models of CHIP. The Massachusetts Legislature passed a bill to expand coverage for children and paid for it by increasing the tobacco tax in the State. When that program was vetoed by Governor Bill Weld, a majority of the Republicans in the State senate stood with the Democrats to override the veto.

I was proud to work closely with Senator HATCH to create the national Children's Health Insurance Program, and when CHIP went into effect across the country, among its greatest champions were Republican Governors who understood the importance of expanding health insurance for children in their States. Governor Leavitt in Utah and Governor Cellucci in Massachusetts were both champions of CHIP when they were Governors.

The question for President Bush today is why he would even consider rejecting a program that has long brought Republicans and Democrats together to help children.

CHIP allows parents to choose insurance for their son or daughter from a private insurance company. That is one of the reasons Republicans have long supported the CHIP program. Indeed, CHIP used the same private insurance model President Bush supported in creating the Medicare prescription drug benefit.

If Members of Congress and the administration really feel strongly that it is wrong for the Federal Government to support health care coverage, maybe they should start by giving up their own taxpayer-subsidized health care through the Federal employees program. If Members can take their children to the Attending Physician of the Senate, with all the benefits that affords, shouldn't all American children have access to quality health care too?

President Bush has argued that CHIP costs too much, but I will tell you what costs more: treating children in emergency rooms after their conditions have become severe. CHIP saves money and untold suffering by getting health care to our Nation's children before they are seriously ill.

CHIP is paid for by an increased tax on cigarettes, not by raiding the Treasury. That tax will itself save us countless dollars and lives by discouraging smoking. We have had extensive hearings in our human resources committee, the HELP Committee, about what happens when the cost of cigarettes escalates, and when the cost of cigarettes escalates, as included in this CHIP program, it has a dramatic impact on lessening the demand among teenagers and smoking. What has happened for years is that the industry itself has increased its advertising in order to try to hook these children back in. But this has a dramatic positive impact from a preventive point of view in helping children not become addicted to nicotine and cigarette smoking, so it is a win-win situation. It is using the private insurance companies' own model that was initially suggested by the President of the United States in the Medicare prescription drug program, and it is being paid not by the taxpayers but by the cigarette users. That will discourage smoking and will have a positive impact on children.

The case for CHIP is stronger than ever. Today, 6 million children are enrolled in the program, children who otherwise would be without health care. But there are another 9 million children in America who still have no health insurance at all. Once again, Democrats and Republicans in Congress have come together for the common good.

CHIP's success is impressive. Since CHIP began, the percentage of uninsured children has gone down even as more and more adults are losing their own insurance coverage because employers reduce it or drop it entirely. This chart reflects where it is in terms of the adults and the uninsured, now 47 million Americans who are uninsured. Look at what has happened to children. It has gradually been going down. There is no reason not to expect, with this legislation, that it will again go down somewhat. If we had accepted the more extensive House bill, it would have gone down even further. But this is a very significant achievement in reducing the number of children who do not have health care coverage.

In the past decade, the percentage of uninsured children has dropped from 23 percent in 1997 to 14 percent in 2005. That reduction is significant, but it is obviously far from enough. This chart indicates the same. If you look at 1997, 22 percent of all children were uninsured. Now we are down to 13 percent and going down further. This is for children. Yet this President wants to veto this legislation.

Recently, the Census Bureau reported in the past year that 600,000 more children have become uninsured. The struggling economy is causing employers to drop family coverage, and even the robust and successful CHIP program hasn't been able to stave off decreasing coverage for children.

CHIP helps to improve children's school performance. When children are receiving the health care they need, they do better academically, emotionally, physically, and socially. Look at this chart. We have demonstrated that when children are healthier, it increases their ability to learn their lessons. Learning in school is increased significantly. Look at the before and after in this chart. Before, 34 percent paid attention in class; after, 57 percent. Keeping up with school activities: before, 36 percent; after, 61 percent. It is very simple: If a child can't see the blackboard, can't hear the teacher, can't understand what is happening in the classroom, they will lose attention and lose their ability to learn. If they have been able to have the kind of preventive health care included in the CHIP program, they are going to be healthier, more interested in learning, and their learning will be enhanced.

We just passed education legislation where we went over the disparities that are out there. I will come to that in the next chart, but this is a very clear indication. If you are interested in children learning, CHIP is a program you have to support.

Also, CHIP all but eliminates the distressing racial and ethnic health disparities for minority children who are disproportionately dependent upon it for their coverage. Look at this: White, Black, and Hispanic. This is before CHIP. Look at the numbers—27, 38, and 29. With CHIP, it is 20, 19, and 19. When we have outreach, we see a reduction in the disparities. We ought to have this as a goal, our national goal. We want all children to have health care coverage. This chart, which is from the Kaiser Family Foundation, indicates that we reduce the disparity for children with this CHIP program, which is enormously important. They are going to learn more and be healthier.

When we put all of that together over a long period of time, it will save the country money because this is going to be a healthier population. It will cost less over a longer period of time. And we are paying for it by an increase in the cigarette tax, not by the taxpayer. So this is enormously important. That is why organizations representing children and health care professionals who serve them agree that preserving and strengthening CHIP is essential to children's health.

The Bible tells us to ''open your hand wide to the poor and the needy in your land.'' Congregations across the country act on that command every day by providing needed help to those with medical needs in their communities. They are turning faith into works, but they know they can't do the job alone. That is why religious leaders from all faiths have called upon Congress and the administration to assist in this mission by renewing and improving CHIP.

Today, we renew our bipartisan commitment to the job begun by Congress 10 years ago and to make sure the lifeline of CHIP is strengthened and extended to many more children. Only the Bush administration seems content with the inadequate status quo.

First, the President proposed a plan for CHIP that doesn't provide what is needed to cover the children who are eligible but unenrolled. In fact, the President's proposal is $8 billion less than what is needed simply to keep the children now enrolled in CHIP from losing their current coverage—$8 billion short. Then, as Congress was negotiating the CHIP bill, the administration issued new guidance that would make it virtually impossible for States to extend coverage for children in their States with household incomes above 250 percent of the Federal poverty level. This would cause 18 States and the District of Columbia to drop children from coverage. It doesn't indicate

that if the States permit those—that 250 percent of the poverty level—to be able to participate in the program, they can adjust premiums, the copays, and the deductibles in order to make it fair. Just a blanket ''no.'' Just a blanket ''no.'' What is most baffling is that the President has consistently threatened this veto.

This chart shows what the costs are. This is really an issue of priorities. A 5-year CHIP reauthorization, $35 billion; 1 year of Bush's tax cut for the wealthiest 1 percent, $72 billion; and this is 1 year in Iraq, $120 billion. So $35 billion for 5 years for children; 1 year in Iraq, $120 billion.

Here is another way of putting it. Around here, we express our views on priorities, and these are the priorities we have a chance to effect. A matter of priorities: the cost of Iraq, $333 million a day; the cost of CHIP, $19 million—$19 million to $333 million. We believe this is a bargain and something which is absolutely essential if we are going to look down the road at a younger generation that is going to be healthy and prosperous and learning. That is going to be key to the United States in terms of our ability to compete worldwide in this knowledge economy. We have to have young people who are gifted, talented, smart, and able, with a knowledge of the economy. It is essential if we are to preserve our national security and it is essential if we are going to preserve the institutions our Founding Fathers bequeathed to us, that our young people are able to function and work in order to guarantee the real rights and liberties which we cherish. All of this starts with having healthy children—healthy children built on the program which the President himself endorsed.

I was there at the time the President strongly supported the way we were going to have the Medicare prescription drug program, and he fought for that. He was able to successfully gain it. Now he says it is unacceptable. Now he says it is unacceptable. He complains about the cost. But this doesn't cost the taxpayer a nickel; it will cost in terms of an increase in the cost of cigarettes.

Finally, these children will be healthier, and therefore the savings over the period of years is going to be important and significant.

The children of America should not become the latest casualties of this administration. The CHIP bill before us is a genuine bipartisan agreement that will help children in communities across the Nation and provide coverage to about 4 million children who would otherwise be uninsured. The bill moves us forward together, Republicans and Democrats alike.

The support this legislation has from Republican Governors as well as Republican members here—particularly my colleague and friend, Senator HATCH from Utah, Senator GRASSLEY, and others—is commendable. They understand exactly the reasons and the justification for this legislation. Quality health care for children isn't just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do, and it is something we can do today. So I will urge my colleagues to vote for this bill.

This legislation will be before the House of Representatives this afternoon. Hopefully, we will have a strong vote over there and we will get that legislation at the earliest possible time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE MATTHEW SHEPARD ACT

Mr. KENNEDY. Madam President, I would like to speak for a moment regarding the Hate Crimes Amendment. At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home. Now more than ever, we need to act against hate crimes and send a strong message here at home and around the world that we will not tolerate crimes fueled by hate.

Since the September 11 attacks, we have seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We are doing all that we can to strengthen our defenses against hate that comes from abroad. We have spent billions of dollars in the war on terrorism to ensure that international terrorist organizations such as al-Qaida are not able to carry out attacks within the United States. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty—they are on the front line fighting against evil and hate. We owe it to our troops to uphold those same principles here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home. We should not shrink now from our role as the beacon of liberty to the rest of the world. The national interest in condemning bias-motivated violence in the United States is strong, and so is our interest in condemning bias-motivated violence occurring world-wide. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

Hate crimes violate everything our country stands for. These are crimes committed against entire communities, against the Nation as a whole and the very ideals on which our country was founded.

The time has come to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew's death—9 years—we still haven't gotten it done. How long are we going to wait?

Senator SMITH and I urge your support of this bipartisan bill. The House has come through on their side and passed the bill. Now it is time for the Senate to do the same. This year, we can get it done. We came close twice before. In 2000 and 2002, a majority of Senators voted to pass this legislation. In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But—that time—it was stripped out in conference.

The President has threatened to veto this legislation, but we can't let that threat stop us from doing the right thing. Let's display the same kind of courage that came from David Ritcheson, a victim of a brutal hate crime that scarred him both physically and emotionally. This spring, David testified before the House Judiciary Committee. He courageously described the horrific attack against him the year before—after what had been an enjoyable evening with other high school students near his home in Spring, TX.

Later in the evening however, two persons attacked him and one attempted to carve a swastika into his chest. He was viciously beaten and burned with cigarettes, while his attackers screamed terrible epithets at him. He lay unconscious on the ground for 9 hours and remained in a coma for several weeks. After a very difficult recovery, David became a courageous and determined advocate. Tragically, though, this life-changing experience exacted its toll on David and recently he took his own life. He had tried so hard to look forward, but he was still haunted by this brutal experience.

My deepest sympathy and condolences go out to David's family and

friends coping with this tragic loss. David's death shows us that these crimes have a profound psychological impact. We must do all we can to let victims know they are not to blame for this brutality, that their lives are equally valued. We can't wait any longer to act.

Our amendment is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. They support this legislation, because they know it is a balanced and sensible approach that will bring greater protection to our citizens along with much needed resources to improve local and State law enforcement.

Our bill corrects two major deficiencies in current law. Excessive restrictions require proof that victims were attacked because they were engaged in certain ''federally protected activities.'' And the scope of the law is limited, covering hate crimes based on race, religion, or ethnic background alone.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes of this requirement. Hate crimes now occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected. All victims should be protected—and it is simply wrong that a hate crime—like the one against David Ritcheson—can't be prosecuted federally because it happened in a private home.

The bill also recognizes that some hate crimes are committed against people because of their sexual orientation, their gender, their gender identity, or their disability. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue. There are too many stories and too many victims.

We must do all we can to end these senseless crimes, and I urge my colleagues to support cloture on this amendment and to support its passage as an amendment to the DOD authorization bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. BIDEN).

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 5:01 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5:05 p.m. when called to order by the Presiding Officer (Mr. SALAZAR).

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized for up to 6 minutes as in morning business and then we return to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

CHIP

Mr. BAUCUS. Mr. President, King David sang:

> How good and pleasant it is when brothers live together in unity!

When it comes to work here in Congress, the Children's Health Insurance Program has been as close to that ideal as a major piece of legislation can be. It began 10 years ago, with Senators working together across the political spectrum: Senators ORRIN HATCH and TED KENNEDY; Senators JOHN CHAFEE and JAY ROCKEFELLER. I was proud to have been part of that.

It passed overwhelmingly 10 years ago, and the President signed it into law. It worked.

The Children's Health Insurance Program brought people together across political divides because CHIP was, and always has been, about helping kids. CHIP has been about helping young Americans who, through no fault of their own, live in working families who cannot afford expensive private health insurance. It is about kids. It is about health. It is about low-income kids.

CHIP is about kids going to the doctor. It is about kids having checkups. It is about kids getting vaccinations. It is about kids seeing the dentist.

Healthy children are more likely to go to school. They are more likely to do well in school. They are more likely to get a good job after school. They are less likely to end up on welfare. They are more likely to become a productive member of the workforce.

The Children's Health Insurance Program has been a success. Since 1997, the share of all American children without health insurance dropped by a fifth, while the number of uninsured adult Americans increased. For our country's poorest children, the uninsured rate has dropped by a third.

Governors from both parties support the Children's Health Insurance Program. Two Presidents of different parties have supported and expanded CHIP.

This year, we worked together to improve and extend the program. Senators ORRIN HATCH and JAY ROCKEFELLER, CHUCK GRASSLEY and I worked very closely together, with many meetings, working as hard as we could, focusing on kids. We cooperated in the finest tradition. I thank my colleagues for the hundreds of hours they put into that effort.

Some told me: Put CHIP in reconciliation. That is the fast-track process we use sometimes around here. Some said: Use the fast-track budget process to pass CHIP, so you do not have to get big majorities to get things done. You do not have to worry about 60 votes. But I said: No. CHIP has always been a consensus bill. We would make CHIP a consensus bill again this year. It has in the past. It should always be.

That is what we did. The Finance Committee reported the CHIP bill out by a vote of 17 to 4, strongly bipartisan. The Senate passed it by a vote of 68 to 31. This evening, the House of Representatives will pass essentially the same CHIP bill we passed in the Senate.

Now it is time for us to pass this bill and send it to the President. When we do, it will be time for the President to show he is also a uniter, he is not a divider but a uniter. It will be a time for the President to act in the best traditions of compassionate conservatism. It will be a time for the President to sign this bill.

Let us show how good and pleasant it can be for Washington to work together in unity. That is what our people want. That is what the people who sent us here want. They want us working together. They do not like big fights, so long as we are doing what they regard is basically, essentially the right thing. This is that, clearly. So let us help get health care to kids who need it, and let us enact this CHIP bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending amendment?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to consideration of H.R. 1585.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are amendments to the motion to commit with instructions.

Mr. LEVIN. Other than those amendments that filled up the tree, there are no pending amendments; is that correct?

The PRESIDING OFFICER. There are also amendments to the substitute.

AMENDMENT NO. 2997

Mr. LEVIN. Mr. President, we are trying to work out a unanimous consent agreement so we can vote on the amendment of the Senator from Delaware, hopefully, at 5:30. We are attempting to work out a unanimous consent agreement. We do not have it yet.

I will suggest, if the Senator from Delaware is willing, because there is a reasonable chance we are going to get there, that he now describe his amendment and offer his amendment, and then—he cannot technically offer it, but he can describe his amendment—and, hopefully, we can get a unanimous consent agreement. If we do, he could then technically offer it.

So I would suggest that without offering his amendment, the Senator from Delaware describe his amendment, debate his amendment, in the hopes we can get a unanimous consent agreement to vote on that amendment at 5:30. We do not have it yet, but we are working on it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am happy to do that. I see the former distinguished ranking member of the Armed Services Committee is on the floor. Let me say at the outset how much I appreciate both him and the chairman of the committee for making some very constructive suggestions as to how to amend my amendment.

At the appropriate time, I will call up the amendment and move for its modification. But I want to, at the outset, tell the Senator from Virginia how much I appreciate his leadership. The truth is, he and I had a fairly extensive colloquy on the floor last week on this amendment. True to his word, the Senator said he was going to take a look at this amendment, he was seriously interested in it, and he wanted to look at it. As is always the case with the Senator from Virginia, he kept his word. He not only kept his word, but he improved what Senator BROWNBACK and I and Senator BOXER and others had come forward with. Again, at the appropriate time, I will move to amend Biden-Brownback along those lines.

But, as I understood it, there was the possibility that if we had gotten the unanimous consent agreement, there would be 15 minutes on a side. I know a number of people want to speak. I had an opportunity to speak on this amendment at length last week.

My distinguished colleague from California, who I must say—and I am sure my colleagues will fully appreciate this—we would not have gotten to this point were it not for the Senator from California. Her embrace of this approach well over a year ago, quite frankly, legitimized this in a way on my side of the aisle that no one else, quite frankly, could have done.

The fact that it has such, at this point—and, God willing, as my grandfather would say, and the ''crick'' not rising—hopefully, when we vote, it will bear out what I am about to say. This has genuine bipartisan support but not merely bipartisan support. This has genuine support that crosses ideological divides as narrow or as wide as they are in this body. I think that is a very hopeful sign for the emergence of a policy in Iraq that would give us some real opportunity.

With the Chair's permission and my colleagues' permission, I would like to yield the floor to my colleague from California, if she would like to speak to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, are we awaiting, hopefully, an agreement at this point? We are speaking on the bill in general? Is that where we are?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I hope my colleagues will indulge me for about 5 or 6 minutes while I speak about the Biden-Brownback-Boxer-Specter, and many other colleagues on both sides of the aisle, amendment. I wish to say to my colleague from Delaware how much I appreciate what he has done. In the face of so much opposition, he has kept to this idea that we need to respect the Iraqis enough to understand the reality of their situation.

I remember before we had the vote on whether to go to war, or give the President the authority to go to war, a friend of mine, former Congressman John Burton, called me and said: BARBARA, I want you to read one book before you cast your vote, one book that I think explains what Iraq is about. That book is entitled ''The Reckoning,'' and it was written by someone named Sandra Mackey, a historian, in 2002. So I read the book before we voted on whether to give the President authority to go into Iraq. The book detailed how Saddam Hussein egregiously used his power as a brutal dictator and a strongman to hold that country together. She explains the history of Iraq and why the only way to hold it together, in her view, was by such a strongman and what a terrible reality she came to. She said that after World War I, Iraq was a young, fragile country, patched together by the victorious European powers.

She wrote:

> Within its artificial boundaries, the Iraqis have lived for eight decades as a collection of competing families, tribes, regions, tongues, and faiths. This complex, multilayered mosaic of Arabs and nonArabs, Muslims, and Christians, is trisected by Iraq's three major population groups, each in possession of a distinct identity; each group dominates a region of Iraq—the Sunnis the center, the Shia the south, the Kurds the north.

She goes on to conclude:

> Iraq is a state, not a nation. Over the 80 years of their common history, the Iraqis have engaged in the conflicted, and at times convoluted search for a common identity. But Iraqis as a whole have never reached consensus.

What Senator BIDEN has understood for several years now, and why I was so interested in supporting him from the very start as a proud member of his Foreign Relations Committee, is we have to deal with the Iraq we have, not the Iraq we wish we had. If that sounds similar to someone—I understand that is a similar sentence. But we don't have an Iraq that we romantically wish we had. After all, as Senator BIDEN has said many times, for Iraq to survive and thrive, they have to want democracy as much as we want it for them. I think that quote by Senator BIDEN has been in my mind since the very start of this war that I did not vote for.

So I see a light at the end of a very dark tunnel—a darkness that is impacting our Nation. It is impacting the Senate in a way where we are paralyzed. We can't get from A to B; we can't see this light. We can't grab it. We argue over military tactics such as a surge. Our military has done everything we have asked them to do. But every single military leader and political leader has told us there is only one solution, and it is a diplomatic one. In this very important amendment, what Senator BIDEN and the rest of us are doing is saying, there is a light at the end of the tunnel. Look at the Kurds. Look at the Kurdish area. Do my colleagues know, and thank God, we haven't lost one soldier in that area. Of the approximately 165,000 soldiers we have there, only 100 soldiers are there.

The Kurds are running their own lives. They even fly the Kurdish flag. They make their own decisions. I think worth repeating is this solution we are putting before the Senate today—we hope it is today—recognizes the Iraqis will decide this for themselves, that this idea is consistent with the Constitution, not outside their Constitution. Of course, they will be the ones who have to embrace this.

But what this amendment does is it says to the world we are ready to move past a military solution. We understand we are not going to have lasting

peace when all you have on the table is a gun and bullets. We have to put a diplomatic solution on the table.

So I am very delighted to have this time now. I don't know if I will have any time later to speak, but I have said what I need to say. I think this is a golden moment for us. I think we could move this debate in a better direction, in a direction all of us want to move it, whether we are Republicans or Democrats, whether we voted for the war or not. We want to craft some type of political solution. We want a roadmap. The Senator from Delaware has given it to us. I am proud to be a part of this bipartisan group that has cosponsored this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 3017

Mr. DURBIN. Mr. President, I wish to thank my colleagues, the Senator from California and the Senator from Delaware. They are making a sincere effort to find a way out of this terrible morass we are in, in Iraq. I can recall 5 years ago when we were called on to vote to give an authorization for the use of force to President Bush. It was in October, before an election a few weeks away, and there were some who argued the President would never use that force. There were some who argued he would use it immediately. Unfortunately, history has proven he used it in a few months. We now find ourselves enmeshed in a war we never bargained for.

That authorization for the use of force said it was for the purpose of deposing a dictator and destroying weapons of mass destruction that threatened the United States. The dictator is gone, the weapons of mass destruction never existed. Yet we are still there and 3,800 American soldiers have been killed so far, 30,000 injured, and 10,000 grievously injured. The numbers rise by the day. At one hundred a month, American soldiers die. There is violence on the streets. Attempts to have meetings for cooperation and compromise are cut short by bombs and bullets. It is a situation which we never bargained for, and this President has no concept of how to extricate America from that morass.

I call to the attention of the Senate, though, not the Biden-Brownback amendment, which I will speak to at a later time but, rather, an amendment offered by Senators LIEBERMAN and KYL. It is an amendment which relates to a country next to Iraq—Iran. Iran is a dangerous country. Yesterday, there was a lot of controversy about whether its President should be allowed to speak at a major university in the United States. Many argued he should not have. Whatever your opinion on whether he should have been allowed to speak, when it was all said and done, when he had finished his speaking, there was no doubt in my mind that it was pretty clear how radical and unreliable he is. Some of the things he said were preposterous, outrageous, and didn't reflect the truth as we know it, either in the United States, the world, or in his country of Iran. I can't imagine that President Ahmadi-Nejad won any converts yesterday, but he is the head of a dangerous nation, a nation which in many respects is moving in directions which the United States has to view very warily.

I have joined with Senator GORDON SMITH in a bipartisan resolution applying economic pressure and diplomacy to change the Iranian policies that might lead to nuclear armaments. I believe that is our first order of business and a high priority for the United States. That is why I joined him in that resolution. In fact, in the past, I voted for resolutions by Senator LIEBERMAN and others acknowledging the potential threat of Iran. I think we should be forewarned that this is a dangerous country, until they change their ways and perhaps change their leadership.

I wish to commend to every Senator before the vote on the Lieberman-Kyl amendment that they take a few moments and read it. There is a paragraph in this amendment which I find troubling, if not frightening. I wish to read it into the RECORD. I will concede this is a sense-of-the-Senate amendment and doesn't have the force of law, but I want my colleagues to understand what they are voting for if they decide that a vote for the Lieberman-Kyl amendment is a vote against Iran. I will read it as follows:

It is the sense of the Senate—

And now I read from paragraph 4 in the Lieberman-Kyl amendment, and I quote verbatim from the latest version I have—

to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I see the Senator from Connecticut is on the floor. If this language has been deleted or changed, I hope he will bring to it my attention, because as written and as read, the language that I have been given is troubling. Conceding this is a sense-of-the-Senate amendment, we are, in fact, saying we support the use of military instruments in Iran. What does that mean? Does that mean we are supporting the invasion of Iran, that we are supporting military tactics against Iran? Shouldn't we be extra careful in the language of these amendments when we find that the authorization of force for Iraq has dragged us into a war now in its fifth year, a war longer than World War II, with bloody and deadly consequences for the United States and innocent Iraqis?

I can't vote for this language as read. If it has been changed or will be changed, I am ready to talk, because I certainly have no defense of Iran and its intrigue, its activities, and its plans that we understand to be the development of nuclear weapons.

As I have said, I have joined with Senator SMITH encouraging economic and diplomatic sanctions against Iran, but this amendment goes beyond that. I repeat:

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I think this is entirely too expansive. It is dangerous language. Those who vote for it are going on the RECORD for the use of military power in a way that I don't think they fully comprehend. Again, if this is being changed, if it is going to be changed before the vote, then I will concede that many items before the Senate are works in progress. But as written and as read, I cannot accept this language. I think it is a dangerous effort to put us on the record for the use of military force in Iran. Even if we are militarily capable of doing that today—and some question whether we are—the simple fact is there is a process to call for congressional approval under our Constitution before we declare war on any Nation. This, unfortunately, takes us down that road toward that goal in a way that I think is unacceptable, and for that reason I will oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2997

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Biden amendment, and I hope we are going to proceed with a vote on this amendment. I am an original cosponsor. I appreciate what Senator BIDEN has brought forward. He has talked about the semiautonomous region in Iraq for a long time—for over a year. Mr. President, so have I. I, too, have written an op-ed piece that says let's look at a long-term solution. I think we saw from General Petraeus in the last couple of weeks that we should be so proud of our military and what we have done to give security to the Iraqi people. It is not perfect, and it is not finished, but it is so much better than it has been before. Violence is down.

Mr. President, everybody who has been to Iraq, including myself and most Members of the Senate, can see clearly that American forces securing Iraq is not a long-term solution. We must have an Iraq that has an economic and a political solution. I don't think you can have a political solution if you don't have an economy, if people don't have jobs, if they cannot start small businesses, if they cannot take their children to school. You are not going to be able to have a long-term solution without the building of an economy and a political base. That is why I support this amendment, why I am an

original cosponsor with so many Republicans and Democrats coming together.

When I hear some of my colleagues on the other side of the aisle talking about their view of the war, I differ with them about what we should do militarily. But I do think all of us are coming together to say we should have a long-term solution with fewer American troops in a support role, not a frontline role. The way to do that is to have an economy and political stability.

That is what I think the Biden amendment would suggest. We are not telling the Iraqi people what to do. They passed their own law to implement it. They have a much longer history there than we do. I think we should continue to promote this as a solution. I think we need to do a few other things in conjunction with this. I think we should work more closely with Iraq's neighbors. I think the Bush administration is doing that now. I think the Secretary of State is doing a great job of bringing the neighbors in and saying: You have a stake here, and certainly it is in everyone's interest in the region to have a stable Iraq that is not a terrorist breeding ground.

That should be pursued with the idea that they could also be helpful in regions that would work in a semi-autonomous way. It is federalism with states that have their own self-governance.

Dr. Henry Kissinger, in an appearance before the Senate Committee on Foreign Relations, said:

> I am sympathetic to an outcome that permits large regional autonomy. In fact, I think it is very likely that this will emerge out of the conflict that we are now witnessing.

Secretary Kissenger went on to say, in a Washington Post op-ed last week:

> 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. . . . 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.

Mr. President, our efforts in the Balkans are instructive here. A little over 10 years ago, from 1992 to 1995, the war in the Balkans left 250,000 people dead and millions homeless. The Dayton Peace Accords ended that conflict. The agreement retained Bosnia and Herzegovina's international boundaries and created a joint multiethnic and democratic government charged with a very narrow power—to conduct foreign, diplomatic, and fiscal policy. That is the overarching national government of Bosnia and Herzegovina.

There is a second tier of government there now, comprised of two entities that are roughly equal in size. The Bosniak/Croat Federation of Bosnia and Herzegovina and the Bosnian Serb-led Republica Srpska. The Federation and the Srpska governments oversee most government functions. Since the Dayton Peace Accords was signed, the guns of Bosnia have been silent. More than a million people have returned to their prewar homes. The success in Bosnia has enabled the number of U.S. troops in the region to decline substantially.

At the end of 1995, there were 20,000 U.S. combat troops in the Bosnia region. I visited those troops seven times. The first time I went into Bosnia it was undercover. We had on flack jackets and helmets because the Serbs were shooting from the hills. In 2006, there were 600 American troops in Bosnia. Today, there are no combat troops in Bosnia.

Mr. President, I think this should be a model for Iraq. I think we could have a national government that divides the oil royalties, that has the diplomatic function that represents Iraq internationally, and the national government could be a mixture, as it is today. But then you would have semi-autonomous regions. We talked about it. You have Kurdistan in the north, the Shia area in the south, and the middle doesn't have to be one region. I have heard the disagreements about the ability to put that middle into one region because there are Shia and Sunnis in neighborhood to neighborhood. It will be more difficult, but it is also the best opportunity for a long-term solution.

So why not have smaller units across the middle of Baghdad? Why not have some smaller government with an educational system, with the religious sect that is the majority in that sector?

Mr. President, it is so important that we produce more options. Many of the best scholars in this country, the best writers in newspapers in our country, and many of the best diplomats in our country have said this is a potential solution. Some people in this category have said this isn't our first choice. Our first choice is to be a national government that is mixed—that works. That is all of our first choice. But that isn't the choice we have.

We have to recognize that we could not mold a country so quickly after thousands of years of strife along ethnic grounds. So we have to step back, in my opinion, and ask what could work to stabilize this country so that an economic and a political solution will work. With all of the people who are now saying this is an option that should be on the table, I hear people saying, in the end, that is probably the way it is going to be. That is where I come in and say: In the end? Wait a minute. We have a chance to push for leadership now. We have a chance to bring the others in the region together now, so that the American troops who have done such a wonderful job will have two victories. One is that their mission will be accomplished in the right way; two, all of the sacrifices they have made will not be for naught. We cannot walk away from Iraq. We cannot say it is too tough, we are going to surrender. That would make all of the sacrifices that have been made irrelevant. We cannot do it that way. But we do have a potential solution that can save American lives in the future by cutting down the violence right now, by saying if we can step back into a support role because Iraq is emerging as an economic, political, and stable country, then we will have done right by our American troops. We will have done the right thing for future generations of Americans because we will have stood our ground against terrorists taking over Iraq, and we will do it expeditiously.

We don't need to talk about this anymore. The Iraqis have adopted it in their constitution. They have adopted the implementation of the legislation. With some leadership among all of its neighbors in the region, along with the United States and our allies who have given so much in this cause, we can protect future generations of Americans from attacks. We will have built a stable country, which is what we said we wanted to do when we went in to take out Saddam Hussein, who was abusing his people.

Mr. President, some may call for surrender, but that is not the answer. The answer is to promote a real solution that is a long-term solution; that is, allowing the Iraqis to draw their own regions, where they can grow an economy and a government that works along the Bosnian model, and we will be able to stay strong and do the right thing and listen to what people are saying. But that doesn't mean we have to wait and say, oh, that is what is going to happen in the end. Well, how many American lives are going to be lost between now and the end? Let's allow our American troops to take the support role instead of the frontline role, as General Petraeus has started so ably. Let's do what is right for the Iraqi people and the Middle East region as well because a terrorist haven is not in anyone's interest.

I urge my colleagues to support the Biden amendment of which I am a cosponsor, along with a solid Republican and Democratic list of Members who are willing to stand up and say we want this war to end honorably, we want to complete the mission honorably, and we can do it in the right way. And that is to allow them to create their government, which would have a national overlay. The time is now, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I understand there is no time agreement; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I rise to speak with respect to the Biden amendment. I listened carefully to the Senator from Texas, and I must say I

agreed with a lot of what she said. One thing I violently disagreed with was the notion at the end where she said some may call for surrender. I have not heard any U.S. Senator call for surrender. I think that is part of the sloganeering and talk, unfortunately, that has characterized some of the divisions as people try to find a sensible way of finding success.

There are different views about how you find success here. The notion of setting a date and requiring leverage out of the Iraqi Government to do what it is not doing today is an alternative way of getting them to make those decisions and be successful in this endeavor. It is also, in the view of many people in the Senate, a more effective way of supporting the troops, of honoring their sacrifice with a policy that we believe can actually achieve what their sacrifice is being made for.

I caution colleagues about falling into the easy terminology about ''choosing to lose,'' ''surrender,'' ''walking away,'' and so forth. When we leave the President of the United States discretion, as the Levin-Reed and other Senators', myself included, amendment did, you are leaving the President the discretion to continue to fight al-Qaida, you are leaving the President the discretion to finish standing up the Iraqi troops with training that is necessary to do that, and you are leaving the President full discretion to protect American forces and facilities and interests. What other purpose could there be to be in Iraq 5½ years after the start of war, which is when the date would, in fact, have cut in to leverage their change?

That is not what we are here; in some ways, that is what we are here to debate. Specifically, that is not what we are debating about now because this is a Biden amendment which is a different amendment. I wish to speak to it for a moment.

I have resisted what has previously been put forward as a partition plan because I don't think the United States of America can just walk in and ''partition.'' I think that would, in fact, smack of precisely part of the ingredients that have created the problem we inherited. That is what Winston Churchill and the British did shortly after the turn of the last century. The result was that they drew a lot of artificial lines between different people and created a state that never existed before, and we are inheriting some of the long-term impact and realities of those decisions. So we cannot come in and just partition it, which is why for over 3 years or more I have been pushing for a standing conference, a summit, a peace conference which brings the permanent five and the neighbors and the Iraqi factions that are struggling all to the table simultaneously to work through diplomacy in order to arrive at an understanding of how they can go forward.

Diplomacy has always been the key to trying to find a political settlement in Iraq. It has been absent. One of the reasons I am now a cosponsor of this different amendment by Senator BIDEN and others is that it does not specifically seek to partition. Not for the long term, certainly, and not even in the short term does it seek to partition. What it seeks to do is honor what is already in the Iraqi Constitution as well as recognize the realities that have developed on the ground.

Some 2 million-plus people have been displaced out of the country, some 1.1 million people are displaced within the country, and there has been an ethnic cleansing taking place over the course of the last few years that has resulted, for instance, in the city of Baghdad transitioning from a city that at the beginning of the war was 65 percent Sunni to now it is 75 percent Shia, and the south is almost exclusively Shia, and the Sunni triangle is the Sunni triangle, with some exceptions, obviously. We know there are intermarriages. There are some pockets of places where there are still larger populations of either Sunni or Shia living in a larger either Sunni or Shia surrounded area.

But the bottom line is this: There has been a huge shifting of populations according to ethnic lines that has taken place. There also is an awareness that there is fundamentally a failed government, almost failed state. Everyone, from President Bush to Prime Minister Maliki to General Petraeus, everybody involved with this at a decisionmaking level has acknowledged that there is no military solution, there is only a political solution. So if there is no military solution and there is only a political solution, what is the political solution? Clearly, the political solution—because we have seen over the last 4½ years it is not going to be immediately, maybe down the road but not immediately—to have a strong central functioning government that somehow has the ability to work through the differences of Shia and Sunni divisions with a police that is dysfunctional and an army that is largely Shia.

One of the reasons the Sunni in Anbar have decided to fight al-Qaida and to join forces now is because they are being armed and trained and, in effect, are being put in a position to be able to defend their own interests within that region. They made a political decision before there was any military decision. The political decision they made was that they were tired of al-Qaida literally killing their children and abusing their villages. They made the political decision that they would be better off creating this power base of their own within the region, being trained, getting weapons, creating a Sunni capacity to respond and defend themselves. So the violence has, indeed, gone down, and al-Qaida has been diminished in its efforts in that region.

We have to look at what happened. It was a political decision that preceded the presence of surge troops, escalated—whatever you want to call it—and that political decision has resulted in a transition. But there is nothing on the table that indicates the willingness or capacity of the central Government in Baghdad to make a similar kind of political decision for the Sunni with respect to the differences between Sunni and Shia.

Similarly, you cannot make the difference with respect to the Kurds, who are essentially sitting up there in the north, independent of the rest of what is happening between Sunni and Shia, dealing with their own issue with Turkey and their own issue with some of the dislocation that took place in Kirkuk and elsewhere.

What the Biden amendment does is honor, respect, and build on this reality which has developed on the ground. It takes the reality of an election, which was built on fundamental mistakes by our Government, by the Provisional Authority in the beginning that has created a fundamentally sectarian electoral base from which the decisionmaking is now being made which does not adequately and fully represent the interests that have to be reconciled in the end.

So the way you get from here to there, which is the big question—how do you get from here to there—is through the diplomatic focus that is in this amendment. It calls on the international community to come together in the standing conference that many of us have talked about for several years, and it calls on that conference to recognize these realities and begin to build the local capacity. The Iraqis will decide in what structure, how many regions, or what those regions are.

There is a complete respect for the sovereignty of Iraqis to make these decisions. What it does is encourage the effort of Americans to push in that direction and to create the awareness that may well be the best, most effective, most realistic, fastest way of pulling parties together to represent the interests that are not currently adequately represented within the governing process of Iraq, which is why they cannot reach a resolution.

It is not that Iraqi politicians are not, frankly, tough enough to make that decision; it is that their constituencies do not want them to make that decision. That is the fundamental problem. The Shias are fundamentally committed to a Shia Islamic state, and they are not going to give up that notion when they do not have to, and they do not have to because they have been told that 130,000 American troops are going to be there well into next summer, and we will be right where we were last year when the country almost fell apart after all of this effort.

If you have that kind of guarantee on the table, what leverage is there to make you change in a negotiation? What leverage is there if your real goal is to have a Shia Islamic state if 60 percent of the population has now been given at this unfair ballot box a power

they could never achieve in 1,300 years of history in their relationship with Sunni and Shia? If they have suddenly been given that, what is going to make that 60 percent just give it up? They are not about to. And the 20 percent Sunni, many of whom are in the state of this insurgency, are sitting there saying: We understand that; therefore, we are not going to be adequately represented, and because we are not going to be adequately represented, we are going to continue to fight. There is no ingredient that changes that equation unless you get this kind of diplomacy and this kind of recognition of some of these realities on the ground.

One wise observer of the region said to me the other day—a former Ambassador who has written much about Iraq and thought about it a lot—they may just have to live apart before they can live together now in some of these places.

That is not our goal for the long run. This doesn't destroy the idea of a national identity of Iraq. It doesn't undo that. It honors their own Constitution, which respects the notion of federalism. It allows for those entities to be defined by the Iraqis as to how they share the interests within those particular regions on which they decide. It also, obviously, calls on an oil law to ultimately be the linchpin of these kinds of political opinions because if they don't divide the revenues, there is no way, ultimately, you will be able to resolve these huge sectarian differences.

I believe this amendment offers us a way forward. I have said since day one, back in 2004 when I was running nationally, I said then that this could be one of the solutions, the idea of division and federalism if the Iraqis decide on it. The only way to get to that point is to have the adequacy of diplomacy.

For months, we have talked—the Senator from Virginia, Mr. WARNER, Senator LUGAR, the ranking member of the Foreign Relations Committee, Senator HAGEL, and others—we have all talked about the need to get this adequate diplomacy going, and that is a central component of this sense-of-the-Congress amendment which Senator BIDEN is offering. We all know we cannot impose a solution on the Iraqis, and this amendment does not do that. We all know we cannot just walk in and divide up the country. This amendment does not do that. This respects the sovereignty of the Iraqis, and it respects the notion that Iraq is right now a failing state with a barely functioning central government that has not to date proven its capacity to be able to reconcile the fundamental differences over which the civil war is being fought. In fact, Iraq was recently ranked as the second weakest state in the world, second only to the Sudan. Nothing the Government in Baghdad does in the foreseeable future is going to change that reality.

I believe this approach has the best opportunity to try to provide some of that stability, to help, to work, to buy time, to bring in the international community, to get the Perm Five and the neighbors and others working toward the longer term solution which this resolution also recognizes is important.

We need to change the mission, yes, and I have voted to do that and worked hard with the Senator from Michigan and others to do it. I still believe we need a firm deadline because without it, I don't believe we have leverage. And in the absence of leverage, we certainly are not going to get these kinds of reconciliations and compromises that are necessary.

Senator BIDEN's amendment recognizes that these are not mutually exclusive at all. We can push for those other things and still push for this sense-of-the-Congress amendment because accepting federalism, in fact, makes it easier to change the mission and makes it easier to allow the vast majority of our troops to leave a reasonably stable Iraq when they do finally leave.

For those reasons, Mr. President, I support this amendment, and I urge my colleagues to do the same. I congratulate the Senator from Delaware for his efforts on this amendment.

Mr. WARNER. Mr. President, I wish to make it clear that I am inclined to support this amendment also.

Momentarily, the distinguished Senator from Delaware is going to move to amend the pending amendment at the desk, to reflect some corrections and alleviate some concerns I and other colleagues have. But I wish to make it eminently clear this is not a mission amendment. This is along the lines of the need for greater diplomatic involvement.

As a matter of fact, I can look back a year or so when my colleague was standing at that very desk and we had an amendment at that time on the previous authorization bill that he felt very strongly about. As a matter of fact, we gave it consideration at that time. It did not eventually become the law. Or in some respects it did.

Mr. KERRY. I say to my friend from Virginia we actually passed my amendment that did require the international effort we are talking about. Regrettably, we are a year later, and that international leverage has still not come to fruition, so I am delighted now.

Mr. WARNER. Well, Mr. President, I wanted to reflect that the Senator from Massachusetts was on this very point some time back, and now I think the realization is that, momentarily, we will have the opportunity to vote on this. I would not predict the outcome, but I thank him very much for his contributions.

I wonder if I could invite our colleague from Delaware, given there is some likelihood that we can get the UC to have a vote, if he might want to amend his amendment at this time.

Mr. BIDEN. Mr. President, before I do that, I would like to ask the Senator from Massachusetts——

Mr. WARNER. Mr. President, I have now been informed there is some objection to any amendments at this point in time.

Mr. LEVIN. If the Senator will yield, I don't believe there is an objection to the amendment. I think it is not in order at this moment to offer the modification.

Mr. WARNER. In any event, at this point we will not seek to do the amendments, for whatever technical reason there may be, but I would like to do it when we can get to it.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not bring up the amendment or amend it now, but because time is of the essence for a lot of our colleagues, I wish to speak to what the changes are that were recommended by Senator WARNER and others.

But before the Senator from Massachusetts leaves the floor, I wish to say to him—and I hope it will not in any way cause him any difficulty—he and I have been close friends for over 30 years, and I want him to know, and I want my colleagues to know, that much of what this amendment we are hopefully going to vote on is about is what the Senator and I have talked about for the last 4 years and that he has led on, including the international piece.

As a matter of fact, he led on it from a different perspective, as a candidate, as well. So I wish to tell him how grateful I am for his joining in this amendment. Quite frankly, it is a big deal that he is, and it adds not only credibility to the amendment in terms of our colleagues, but it adds, quite frankly, an international credibility to it because an awful lot of people around the world look to my colleague for his insights into what we do about the most critical issue facing American foreign policy today.

The truth is, in order for us to regain the kind of leadership in the world that I would argue we are lacking, we have to settle Iraq, and we cannot do it on our own. There is a need for the international community. Even if this answer is the perfect answer, it cannot be made in America any longer.

So I wish to thank my colleague and acknowledge that I have learned from him, and I wish to thank him for—and I know we use the phrase very blithely around here—his leadership. But I mean that. I wish to thank him for his leadership. He has been absolutely totally consistent on this point from before the time we actually used force in Iraq until today. So I want the record to reflect that.

Mr. President, while we are waiting to determine whether we are going to be able to proceed on the amendment, I think the concerns raised by several of my friends have been incorporated in

the changes that have been made. I am not moving to amend it now, but I am going to tell my colleagues what the Biden-Brownback amendment will be.

In the findings clauses, finding No. (3) has been added, and it is to reflect the concern raised by the distinguished Senator from Arizona, Senator KYL—and I suspect others, but Senator KYL is the one who raised this with us, in that he wanted to make it clear—

Mr. WARNER. The Senator is correct. I brought it to your attention at the request of Senator KYL.

Mr. BIDEN. We incorporated the exact language I was originally given, with the advice of my colleague from Virginia, and it says:

A central focus of al-Qaida in Iraq has been to turn sectarian division in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome.

So that is one change, one addition we made. A second change we made was at the request, I believe, and I would stand corrected, of both the chairman and the ranking member of the Armed Services Committee, which was deleting a word. It says:

Iraq must reach a comprehensive and sustainable political settlement in order—

No, that is not true. I am getting the wrong section. I will ask my staff what the second change is, and I will go to the third change. The reason I can't find the change is because we took out the word, and I am trying to recall where we took the word out.

The third thing we changed is the provision in the original resolution to incorporate the strongly held view of the chairman of the Armed Services Committee that we not be forcing upon Iraq anything that is inconsistent with their wishes. The paragraph originally read:

The United States should actively support a political settlement in Iraq based upon the final provisions of the Constitution of Iraq that create a federal system of government and allow for certain federal regions consistent with the wishes of the Iraqi people and their elected leaders.

And then, I believe at the request or suggestion of the distinguished ranking member from Virginia, the actual last paragraph of the resolution, paragraph 5, says:

Nothing in this act should be construed in any way to infringe on the sovereign rights of the Nation of Iraq.

Again, both my colleagues can explain their motivation better than I, but the central point that is attempted to be achieved is to make it clear that neither Senator BROWNBACK nor I, nor any of the cosponsors, believe we should be imposing a political solution on the Iraqi people. It is sort of self-evident to me that you cannot impose a political solution. A political solution has to be arrived at by the competing parties. I would argue, as I think my colleagues in the Armed Services Committee would agree now, that what we are doing is consistent with Iraq's Constitution and consistent with the ability of the Iraqis to further amend their Constitution to come to a different conclusion.

Mr. WARNER. If the Senator will yield for the purpose of my commenting on this.

Mr. BIDEN. I will be delighted to yield to the Senator from Virginia.

Mr. WARNER. Paragraph 5 is the language recommended by the Senator from Virginia.

Incidentally, Senator MCCAIN is the ranking member. I had that job off and on for 18 years.

Mr. BIDEN. I am sorry. I am so used to the Senator being chairman.

Mr. WARNER. I wished to reflect that my colleague, Senator MCCAIN, is the distinguished ranking member.

But I put in paragraph 5, because this is a very challenging amendment, and I wanted to make certain that in no way did we overstep on the question of sovereignty. The word ''sovereignty'' is well described in international law and in other means as an accepted term, and it is well understood, so I am delighted the Senator agreed to put that in.

Lastly, when we look at the enormity of the sacrifices of our country over these many years now—most notably the tragic loss of some 3,000, almost 3,800 individuals and many more wounded, and expenditures of so much of the taxpayers' funds—the contributions of all of that has gotten us to where we are today. The keystone of those achievements is the sovereignty that has been given to the Iraqi people. That is the major contribution of the enormity of our sacrifice through these years. So in no way did we want to backstep from all of this hard-fought ground to achieve sovereignty for the Iraqi people.

So I am delighted the Senator accepted that. Then, if we can look at one other paragraph, Senator, and that was on page 2, paragraph (4), the Senator was going to consider deleting the word ''increasing'' correct?

Mr. BIDEN. As I understand, the distinguished ranking member of the Foreign Relations Committee, Senator LUGAR, suggested that instead of '' . . . Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq,'' he wished the word ''increasing'' be struck from the language. It now reads: '' . . . settlement is the primary cause of violence in Iraq.''

So we have struck that. To the best of my knowledge, I say to my friend from Virginia, I think we have accommodated all the changes that were suggested.

Mr. WARNER. Mr. President, first going to paragraph (4), deleting ''increasing'' and the concern of the distinguished ranking member, Senator LUGAR, it was also a concern to the Department of State. So that has been done.

All the concerns that have been brought to this Senator's attention, the Senator from Virginia, I think have been met by the Senator from Delaware, and it is for that reason I am pleased, if and when we get to the vote, to cast a vote in favor of this because I think it is an important amendment.

Also, if I may say, it reflects a goal that I and many others have had for a long time; namely, to have a showing of some bipartisanship. I am hopeful this will draw votes from not only your side of the aisle but this side of the aisle, and it can be viewed as a truly bipartisan amendment. Certainly, you have distinguished cosponsors on it, Senator BROWNBACK, Senator HUTCHISON, Senator SPECTER, and others, so I believe it will be viewed as a bipartisan amendment. And that in and of itself is an important contribution to this debate all around.

Mr. BIDEN. Mr. President, I see the chairman has risen. Does he wish to speak?

Mr. LEVIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to briefly thank and commend the Senator from Delaware for his ongoing leadership in a very critical area, and that is the area of federalism in Iraq. He has made it clear in his amendment, he has made it clear in his remarks that the federalism he is referring to is the federalism which the Iraqis have placed in their Constitution.

Mr. BIDEN. That is correct.

Mr. LEVIN. There is no effort here to impose our view of federalism or an outside view of federalism on the Iraqis. It is their view of federalism, reflected in their own Constitution, that the Senator has viewed as a real potential solution to the violence in the provinces in Iraq.

So I wish to thank the Senator from Delaware, and perhaps at this point, if I could get the attention of the Senator from Delaware, in order to save time later, he and I have entered into a colloquy which doesn't need to be made part of the RECORD at this time, it could be put in the RECORD after the amendment is modified.

So I ask unanimous consent that after the amendment is modified to have printed in the RECORD a colloquy between myself and the Senator from Delaware.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, the colloquy which we will offer then at a later time refers to two changes that have been made, or will be offered to the amendment by the Senator from Delaware, modifying his own amendment, which he has a right to do.

The first suggestion I made, which he has readily accepted, is to make it clear the federalism that is being referred to in his language is the federalism in the Iraqi Constitution as it now reads or as it may be amended. In

the event that the Iraqis' constitutional commission makes recommendations on that subject, and if those recommendations are accepted by the people, it is their view of federalism, in the current Constitution or in an amended Constitution, the word he added being ''final,'' that he is referring to. I thank him for that.

Also, I thank him for accepting language which makes it clear that the federalism he is referring to is a system of government that allows for the creation of Federal regions. The words that are now added, or would be added when it is modified are ''consistent with the wishes of the Iraqi people and their elected leaders.''

The reason I propose that is we have to be very clear that what the Senator from Delaware is focusing on is a Federal system which the Iraqi people either have adopted or will adopt. This is something consistent with their wishes, not ours. What we wish them to do is get on with their solutions, their political solutions. What the Senator from Delaware is so properly focusing on, and I think this Nation should be in his debt for it, is the potential of a Federal system as they designed it for addressing their problems.

We have seen the value of federalism here, but it is not our version of it that the Senator is talking about. It is the idea of federalism and how you are able to adjust powers between the central government and regions which has such potential for finally ending the violence in Iraq. He recommends it. We all, I hope, will support that as being a potential solution—not imposed on them but one which they have fashioned in their own Constitution, have adopted in their own Constitution, can amend in their own Constitution. That, it seems to me, is a very valuable contribution for which I commend the Senator.

He can offer, on our behalf, a colloquy at the appropriate time relative to the modification when it is offered.

I yield the floor.

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

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

The Senator from Arizona is recognized.

Mr. KYL. I wanted to clarify one thing. Through no fault of the Senator from Delaware—he was under the impression that certain language he agreed to, to change his resolution, had come from me, and he had reason to believe that. It did not come from me, but that is not his mistake. But I did want to clarify the record that the language that he had agreed to had not been language that came from me. For reasons I will not go into at this point, I still have concerns about the resolution as a result. But it is not the fault of the Senator from Delaware that he was under the impression that it was language from me.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand. The Senator is correct; I was under a misimpression.

As I understand it, for our colleagues here—and I say to my colleague from Michigan, the chairman, I understand it would accommodate other Senators if we were to set a time certain to vote tomorrow morning on this amendment and, I guess, I don't know, the Lieberman amendment—Lieberman/Kyl. I don't know that. But if it is at all possible, I know it should not be a consideration of the Senate and obviously whatever the Senate's will I would abide by it, but it would be very helpful to me as a practical matter—there are these pesky little Presidential debates that intervene and there is one tomorrow in New Hampshire. If it accommodates the body I would be delighted to do it this evening, but if we could consider doing it at 10 o'clock in the morning, it would be very much appreciated by the Senator from Delaware—if that is possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the situation the Senator has stated is under consideration by the leadership at this very moment and I am hopeful the body can be informed shortly with respect to the leaders' wishes with respect to time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2952, AS MODIFIED; 2870, 2917, 2973, 2095, 2975, 2951, 2978, 2956, 2932, 2979, 2943, 2982, 2981, 2158, 2977, 2962, 2950, 2969, 3021, 2920, 2929, 2197, 2290, 2936, 3007, 2995, 3029, 2980, 3023, 3024, 2963, 3030, AS MODIFIED; 3044, TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 34 amendments to the desk, which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid on the table, and I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. WARNER. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2952, AS MODIFIED

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term ''national technology and industrial base'' has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

AMENDMENT NO. 2870

(Purpose: To require an annual report on cases reviewed by the National Committee for Employer Support of the Guard and Reserve)

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

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.''; and

(3) in paragraph (5), as so redesignated, by striking ''(2), or (3)'' and inserting ''(2), (3), or (4)''.

AMENDMENT NO. 2917

(Purpose: To extend and enhance the authority for temporary lodging expenses for members of the Armed Forces in areas subject to a major disaster declaration or for installations experiencing a sudden increase in personnel levels)

At the end of subtitle A of title VI, add the following:

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking ''20 days'' and inserting ''60 days''.

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

AMENDMENT NO. 2973

(Purpose: To express the sense of Congress on the provision of equipment for the National Guard for the defense of the homeland)

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

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

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

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

AMENDMENT NO. 2095

(Purpose: To expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial)

At the end of subtitle D of title VI, add the following:

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: ''When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.''.

AMENDMENT NO. 2975

(Purpose: to require a report on the status of the application of the Uniform Code of Military Justice during a time of war or contingency operation)

At the appropriate place insert:

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

AMENDMENT NO. 2951

(Purpose: To require the Secretary of the Navy to make reasonable efforts to notify certain former residents and civilian employees at Camp Lejeune, North Carolina, of their potential exposure to certain drinking water contaminants)

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

AMENDMENT NO. 2978

(Purpose: To require a report on housing privatization initiatives)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

AMENDMENT NO. 2956

(Purpose: To express the sense of the Senate on use by the Air Force of towbarless aircraft ground equipment)

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

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

AMENDMENT NO. 2932

(Purpose: To provide for the provision of contact information on separating members of the Armed Forces to the veterans department or agency of the State in which such members intend to reside after separation)

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

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

AMENDMENT NO. 2979

(Purpose: To express the sense of Congress on the future use of synthetic fuels in military systems)

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

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

AMENDMENT NO. 2943

(Purpose: To require a report on the workforce required to support the nuclear missions of the Navy and the Department of Energy)

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

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

AMENDMENT NO. 2982

(Purpose: To authorize the establishment of special reimbursement rates for the provision of mental health care services under the TRICARE program)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting '', including mental health care services,'' after ''health care services''.

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

AMENDMENT NO. 2981

(Purpose: To require an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration)

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

AMENDMENT NO. 2158

(Purpose: To ensure the eligibility of certain heavily impacted local educational agencies for impact aid payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 and succeeding fiscal years)

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

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

AMENDMENT NO. 2977

(Purpose: To provide for physician and health care professional comparability allowances to improve and enhance the recruitment and retention of medical and health care personnel for the Department of Defense)

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

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the

Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term ''Department of Defense health care professional'' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term ''Department of Defense physician'' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term ''qualified health care professional'' means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

AMENDMENT NO. 2962

(Purpose: To implement the recommendations of the Department of Defense Task Force on Mental Health)

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line

units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

AMENDMENT NO. 2950

(Purpose: To require a study and report on the feasibility of including additional elements in the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense)

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

AMENDMENT NO. 2969

(Purpose: To provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries)

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—(1) The Center shall—

''(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

''(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

''(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

''(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

''(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

''(A) Not later than 72 hours after surgery or other operative intervention.

''(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

''(C) Not later than 180 days after surgery or other operative intervention.

''(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

''(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

''(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

''(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

''(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.''.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual

dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

AMENDMENT NO. 3021

(Purpose: To require a Comptroller General report on actions by the Defense Finance and Accounting Service in response to the decision in Butterbaugh v. Department of Justice)

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

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

AMENDMENT NO. 2920

(Purpose: To require a report on the Pinon Canyon Maneuver Site, Colorado)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as ''the Site'').

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has ''sufficient capacity'' to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as ''Area A'' in the Potential PCMS Land expansion map;

(II) the parcel of land identified as ''Area B'' in the Potential PCMS Land expansion map;

(III) the parcels of land identified as ''Area A'' and ''Area B'' in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term ''Potential PCMS Land expansion map'' means the June 2007 map entitled ''Potential PCMS Land expansion''.

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

AMENDMENT NO. 2929

(Purpose: To require a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas)

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

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

AMENDMENT NO. 2197

(Purpose: To lift the moratorium on improvements at Fort Buchanan, Puerto Rico)

At the end of title XXVIII, add the following:

SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

AMENDMENT NO. 2290

(Purpose: To require a report on funding of the Department of Defense for health care in the budget of the President in any fiscal year in which the Armed Forces are engaged in a major military conflict)

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

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

AMENDMENT NO. 2936

(Purpose: To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center'')

On page 354, after line 24, add the following:

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

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

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

AMENDMENT NO. 3007

(Purpose: To clarify the requirement for military construction authorization and the definition of military construction)

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after ''military construction projects'' the following: '', land acquisitions, and defense access road projects (as described under section 210 of title 23)''.

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after ''permanent requirements'' the following: '', or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)''.

AMENDMENT NO. 2995

(Purpose: To require a report on the plans of the Secretary of the Army and the Secretary of Veterans Affairs to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia)

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

AMENDMENT NO. 3029

(Purpose: To require a comprehensive review of safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey)

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

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

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F–16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F–16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F–16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

AMENDMENT NO. 2980

(Purpose: To require a report on the establishment of a scholarship program for civilian mental health professionals)

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

AMENDMENT NO. 3023

(Purpose: To improve the Commercialization Pilot Program for defense contracts)

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).'';

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

''(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.''; and

(4) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2012''.

AMENDMENT NO. 3024

(Purpose: To improve small business programs for veterans, and for other purposes)

(The amendment (No. 3024) is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2963

(Purpose: To authorize the Secretary of the Army to use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana for the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center)

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

AMENDMENT NO. 3030, AS MODIFIED

On page 510, strike lines 1 through 7 and insert in lieu thereof the following:

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting ''democracy, democracy.''

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people,

in 1998, began widespread protests for greater democracy, 9 years ago.

The military responded by seizing power and brutally suppressing the popular movement. Two years later, the military government allowed relatively free elections. Aung San Suu Kyi, despite being under house arrest, led her National League for Democracy Party to an overwhelming victory that captured more than 80 percent of the seats in Parliament. Yet to this date, 16 years later, the military has refused to recognize the sweeping democratic mandate by the Burmese people. Sixteen years after a landslide victory, they still wait for the results of the election to be followed.

Can any one of my colleagues in the Senate even imagine being so brazenly denied representation. Following the vote, those elected from her party attempted to take office. The military responded by detaining hundreds of members of the Parliament-elect and other democracy activists. Many remain under arrest even today, with estimates of well over 1,000 political prisoners. Conditions for these prisoners are horrible. Aung San Suu Kyi has been under house arrest for the majority of the last 16 years.

During the last two decades, the Burmese military has created an Orwellian state, one where simply owning a fax machine can lead to a harsh prison sentence. Government thugs beat a Nobel laureate for simply speaking in public. Forced labor and resettlement are widespread. Government-sanctioned violence against ethnic minorities, rape and torture are rampant.

The military suddenly moved the capital 300 miles into the remote interior out of fear of its own people, and the state watches over all aspects of daily life in a way we thought was almost forgotten in today's world.

Under military rule the country has plunged into tragic poverty and growing isolation. The educational and economic systems have all but collapsed. The military is hidden under the facade of a prolonged constitutional drafting process that is a sham.

The junta has no intention of ever allowing a representative government. All the while, it displays its naked fear of its own people as it keeps Aung San Suu Kyi under house arrest. It is understandable that the Burmese people are demanding change. Even after Suu Kyi's husband Michael Aris was diagnosed with cancer in London in 1997, the military would not allow him to visit his wife. The junta would allow her to leave Burma to visit him but, undoubtedly, would never let her return.

She refused to leave because of her dedication to the Burmese people. Sadly, her husband, Michael Aris, died in 1999 without having seen his wife for more than 3 years. Leaders from around the world have spoken in support of her and about the need for change in Burma. Presidents George Bush and Bill Clinton, as well as Senators FEINSTEIN and MCCAIN, have all voiced repeated concerns. Earlier today, my colleague, Senator MCCONNELL, shared similar concerns on the floor of the Senate.

In 1995, then U.S. Ambassador to the U.N. Madeleine Albright became the first Cabinet level official to visit Aung San Suu Kyi in Burma since the original Democratic upheavals. Later, as Secretary of State, she continued to advocate for change in Burma, at one point saying its government was ''among the most repressive and intrusive on earth.''

The sweeping calls for change are truly global. South African archbishop and Nobel laureate Desmond Tutu and former Czech President Vaclav Havel have called on the U.N. to take action in Burma.

In December 2000, all living Nobel Peace laureates gathered in Oslo to honor fellow laureate Aung San Suu Kyi. In May of this year, the Norwegian Prime Minister released a letter he organized with 59 former heads of state from five continents calling for her release and the release of all Burmese political prisoners. Now thousands of extraordinarily brave Burmese monks and everyday citizens are filling the streets of Burma. They are saying it is time for peaceful change. In recent days, the monks even reached Suu Kyi's heavily guarded home where witnesses said she greeted them at her gate in tears.

One need only look at the dramatic images being shown on television and on the front pages of newspapers around the world to see the bravery and dignity of these peaceful protesters.

This is a Reuters photograph. It is so touching to look at this demonstration in Burma, monks and supporters literally risking their lives fighting for democracy, fighting for the release of Aung San Suu Kyi and the Burmese prisoners. We are hoping this force in the streets, a force for peace, a force for change, will prevail. We salute their courage, and let the Burmese military know they can't get by with this forever. I want the Burmese people to know the world knows what is happening in their country. There is strong support in the Senate among Republicans and Democrats for peaceful change and democratic government. To those in Burma fighting for peaceful democratic change, our message is simple—we are with you. I call on the Burmese military to immediately release Aung San Suu Kyi and all Burmese political prisoners, to respect peaceful protests of its own citizens, and begin a timely transition to democratic rule. The eyes of the world are watching.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. THUNE. Mr. President, this is now day 14 of debate on the Defense authorization bill. It is day 14 of the current debate. We have all been on this bill for a good number of days previously earlier this year. During the same time that we have been debating this for the past 14 days and over the course of the several months that have languished in between our last debate on Defense authorization, we have commanders and troops in the field who have been fighting bravely our terrorist enemies and fulfilling their mission with courage and professionalism.

By contrast, we in the Senate are redebating old arguments and revoting on amendments that have previously been rejected. In fact, last week most of the amendments offered by our colleagues on the Democratic side had previously been voted on, and the result this time around was essentially the same as the result when we voted on these amendments previously. In fact, we voted now for the second and third time on arbitrary withdrawal dates, on cutting off funding for our war efforts, on changing the mission from that recommended by our commanders, and on other attempts to micromanage our war efforts from the floor of the Senate. Now we may be forced to vote on hate crimes legislation which has no relevance to or place in the Defense authorization bill.

Congress should not and Congress cannot legislate our war strategy, nor do we have the expertise or constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight this war.

I don't condemn my colleagues for a minute for their legitimate Iraq policy positions. As Senators, we have the right to offer amendments. But again, this is not the time to abandon our military efforts in Iraq or to attempt to micromanage our military strategy from thousands of miles away. The current Iraq policy debate taking place on the Defense authorization bill has already dangerously delayed this critical legislation. We all support our troops. This bill contains critical provisions that directly support our men and women in uniform.

Specifically, while we have been redebating and revoting on amendments for the second and third time, the Defense authorization bill waits for final action. What does it do? This bill directly supports our men and women in uniform. It increases the size of the Army and the Marine Corps. It provides increased authorization to purchase more Mine Resistant Ambush Protected armored vehicles, otherwise known as MRAPs, which will save more lives. It provides a much needed 3.5-percent pay raise for our troops. It further empowers the Army and Air

Force National Guard as they continue their critical role in our warfighting efforts. And it includes the badly needed Wounded Warrior legislation that will address the broader issues of patient care which we saw manifested at Walter Reed.

As a member of the Armed Services Committee, I am committed to seeing this bill pass the floor of the Senate. It would be a complete failure of leadership on our part if we failed to pass this vital measure while our men and women are engaged in conflict. Unfortunately, this bill has been bogged down by politically motivated Iraq votes the Senate has taken many times before. Again, I understand the legitimate differences of opinion others may have on our strategy in Iraq, but it demonstrates a lack of seriousness about the enemy we face and the needs of our men and women in uniform to be here after 14 days of debate and not to have passed this critical legislation, particularly as we come up against the end of the fiscal year on September 30.

It is time to put the politics aside. It is time to put aside the nondefense related amendments. Every day, our men and women in uniform are out there making us proud with their courage and dedication to their mission. We should be here doing our job making sure we are supporting them by passing this critical legislation.

There are some legitimate amendments related to the underlying bill that we have debated at length, but there are also a lot of amendments that are unrelated to the underlying bill. Switching gears and moving to hate crimes legislation or to restart the immigration debate on the Defense authorization bill, in my view, would be a mistake. It would demonstrate a lack of leadership and a lack of good judgment on our part when we have men and women in the field who are fighting every single day. We need to make sure we get them a Defense authorization bill that gives them the pay raise they deserve, that addresses the equipment needs they have, that deals with the Wounded Warrior legislation, and that cares for our veterans when they come back from that conflict. There are so many important things in this underlying bill that we need to deal with, and we need to deal with them in a timely way.

I would hope that as the debate gets underway again tomorrow, we will be able to come to some final conclusion about this bill and get it passed into law without having to get bogged down in what are ancillary and unrelated issues, many of which are now, at this late juncture, being brought forward.

I urge my colleagues on both sides to do what is in the national interest, the right thing for our men and women in uniform; that is, to pass a Defense authorization bill that addresses their fundamental needs to make sure they have the funding and support, training and equipment they need to do their jobs and complete their mission.

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

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

SCHIP

Mr. CASEY. Mr. President, I rise to talk about an issue we have debated for many months on the floor of the Senate. It has been debated in the other body, and it has been debated a lot of places across the country. The issue is children's health insurance.

We have a vehicle in place to make sure that not only do the 6.5 million children who are covered already under the program maintain their coverage all across the country, but in particular with this legislation, this bipartisan legislation, the Senate bill, which a couple of weeks ago we saw got 68 votes—the Presiding Officer and others in this body know it is hard to get 68 votes on anything, especially something as significant as children's health insurance. But that was a resounding vote in favor of a policy which will make sure we cover those 6.5 million children but add substantially to that to the point where this legislation would allow us to make sure 10 million American children have health insurance. We have a vehicle. We have a program that works. We have bipartisan consensus from across the board, even beyond parties. We have people who don't agree on much in legislation over the course of a year or two agreeing on this. There is strong support across America for it, certainly in my State of Pennsylvania, certainly in the State of New Jersey. But all across America we see support from virtually every corner.

There is only one problem. Despite the bipartisan consensus which exists here and in the other body, the President has threatened and seems determined to veto this legislation. For the life of me, I can't understand that. I can't understand why the President would say that he supports reauthorizing the program, that he thinks the program is good and it works, but he will not support a bipartisan consensus. This makes no sense, especially since States across America have had this kind of insurance in place for many years. In Pennsylvania, we have about 160,000 children covered right now, maybe a little more. We could increase that substantially over the next 5 years to add another 140,000 or more. So instead of having 160,000 kids covered, we get 300,000 children in Pennsylvania covered.

We know this doesn't end the discussion. We know there will still be children who won't be covered. Even if we get to that 10 million number, we know there will be millions of children, maybe as many as 5 million, who are not covered. So we can't rest just on the foundation of this legislation.

I plead with the President, don't veto legislation that will provide 10 million American children with the health care they should have, the health care their parents and their communities have a right to expect but also the health care for children in the dawn of their lives which, beyond what it does for that child, which is obvious, I think there is a strong moral argument, but even beyond that argument, what this will do for the American economy years into the future.

These children, if they get the kind of health care and early learning we all support, will do better in school. They will achieve more. They will learn more. And if they learn more, they can earn more. We know there are CEOs across the country who understand this investment in our children is an investment in our economic future.

I join a lot of people in this Chamber in both parties who worked very hard to get 68 votes for this legislation. There was a lot of tough negotiating in the Senate Finance Committee, where the vote, I think, was 17 to 4 way back in the summer. There is the work that has been done in the House and the work that has been done between both bodies to get this right.

I ask anyone who has an interest in this legislation across the country—or anywhere someone is following this issue—to urge the President not to veto children's health insurance that will cover 10 million American children.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

AMENDMENT NO. 3047

CLOTURE MOTION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 1585, that the amendments to the substitute be laid aside, and the Senate proceed to the Hatch amendment No. 3047; that the cloture motion at the desk on the amendment be considered as having been filed and reported, and the Senate then resume the regular order regarding the bill, and then return to morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3047) is as follows:

AMENDMENT NO. 3047

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the appropriate place in the substitute add the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

The cloture motion having been presented under rule XXII is as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Hatch amendment No. 3047 relating to hate crimes to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Orrin Hatch, Pete Domenici, John Barrasso, Trent Lott, Tom Coburn, Jon Kyl, Mike Crapo, Judd Gregg, Kay Bailey Hutchison, Johnny Isakson, John Thune, Lindsey Graham, Wayne Allard, C.S. Bond, Bob Bennett, Michael B. Enzi.

Mr. CASEY. Mr. President, I rise to speak on the amendment that I have filed to H.R. 1545, the National Defense Authorization Act for fiscal year 2008. My amendment expresses the sense of Congress that an appropriate site be established within the Arlington National Cemetery for a small memorial to the memory of the 40 members of the U.S. Armed Forces who perished in an airplane crash at Bakers Creek, Australia, on June 14, 1943. A similar provision is already included in the House version of the fiscal year 2008 DOD authorization bill, and so it is important for the Senate to declare its support for this worthy cause.

On June 14, 1943, a B–17C Flying Fortress aircraft was transporting a group of U.S. servicemen from the city of Mackay in Queensland, Australia. The 35 servicemen, accompanied by six crew members, were returning to the jungle battlefields of New Guinea to continue their brave fight against the enemy Japanese forces. They had spent approximately 10 days in Mackay enjoying a much needed break at American Red Cross rest and recreation facilities, whose location in Australia was not widely known at the time. The aircraft lifted off into a fog and, 5 minutes after takeoff, crashed 5 miles south at Bakers Creek, killing everyone on board except for a sole survivor.

To this day, the cause of the crash remains a mystery. History books, to a certain extent, have obscured this event even though it remains the deadliest plane crash in Australian history. There is a reason for that. The press was not allowed to report the crash when it occurred—owing to wartime censorship laws. The relatives of those who perished received telegrams from the U.S. War Department only stating that their loved ones had been killed somewhere in the South West Pacific. Secrecy shrouded this plane crash because the U.S. military was not eager to either tip off nearby Japanese forces on the presence of U.S. troops in Australia or feed enemy propaganda. For that reason, this plane crash that has proved to be the worst single airplane crash in the South West Pacific theater during World War II—remained an official secret for 15 years after the end of the war.

The amendment before the Senate today would seek to provide a lasting tribute to the bravery and dedication of these young American men. It would establish the sense of the Congress that a permanent memorial, modest in size and nature, should be located at an appropriate place in Arlington National Cemetery. For too long, the truth on how these young men died in the service of their Nation has been hidden away—albeit for understandable reasons. Next June 14, 2008 will mark the 65th anniversary of the forgotten tragedy. Now is the time to mark their sacrifices with the proper level of respect and reverence.

The memorial to honor the lives and sacrifice of these 40 American heroes has already been constructed, yet it lies on foreign soil. The memorial, built by Codori Memorials of Gettysburg, PA, today stands on the grounds of the Australian Embassy here in our Nation's Capital. It is a very small memorial—5 feet 2 inches high and 4 feet wide at the base, occupying only 5½ square feet of land. We thank Ambassador Dennis Richardson and the Government of Australia for so graciously hosting this memorial; we are reminded of the long-standing alliance between our two great nations. Yet it is time for the official memorial to

these American heroes to come home, to be welcomed at Arlington National Cemetery where it can take its rightful place among our fallen heroes.

Each of the 40 Americans who perished in this crash is a true hero who gave their lives to the cause of our Nation. To date, the Bakers Creek Memorial Association has located the families of 38 of the 40 casualties. They continue to search for relatives of the remaining two soldiers to notify them of the specifics surrounding their loved one's deaths.

I wish to claim prerogative on behalf of my home State to take note of the six Pennsylvanians killed in this tragic crash. Each of their families still resides in Pennsylvania. Their names and hometowns are as follows: PFC James E. Finney, Erie, PA; TSGT Alfred H. Frezza, Altoona, PA; SGT Donald B. Kyper, Hesston, PA; PFC Frank S. Penksa, Moscow, PA; PFC Anthony Rudnick, Haddon Heights, PA; CPL Raymond H. Smith, Oil City, PA

I am joined in this effort by Senator SPECTER. It is time to do right by these forgotten American heroes and give them and their families a memorial at Arlington National Cemetery that is worthy of their valor, worthy of their honor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now return to morning business.

RECOGNIZING NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 14th annual National Public Lands Day, which will be celebrated on Saturday, September 29. I am pleased to acknowledge the efforts of volunteers around the Nation who will come together to improve and restore one of America's most valuable assets, our public lands.

National Public Lands Day has fostered communities of volunteers around the Nation. When it started in 1994, there were 700 volunteers working in only a few areas. This year nearly 110,000 volunteers will work at more than 1,300 locations to protect public land for the enjoyment of future generations. The spirit that guided the Civilian Conservation Corps in the early 1930s continues today in National Public Lands Day, our latest commitment to care for our country's natural resources.

Our Nation has a grand tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. One of the earliest and most energetic conservationists was President Teddy Roosevelt. He dedicated 194 million acres of national parks and national preserves, which set a lofty standard for all who follow.

Over one-third of America is public land. They are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for new resources. We are not the only ones to visit our public lands: millions of tourists, many from overseas, enjoy our national parks every year.

Our public lands are part of who we are and their diversity reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places ''untrammeled by man, where man is a visitor who does not remain.''

I want to recognize the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other Federal land management agencies ensure that public lands in Nevada meet the changing needs of our communities. They provide a vital, though rarely reported, service to our Nation, managing our public lands for our children and grandchildren.

National Public Lands Day encourages volunteers to join in that service. Across Nevada, at places like the Black Rock Desert, Lake Mead, Boundary Peak, Sloan Canyon and the Truckee River, volunteers will work to improve our public lands. This year's focus is the defense of native species from invasive weeds. Noxious weeds are a serious problem that has plagued the West for years. Exotic weeds push out native plants and provide plenty of fuel for wildfires. In Nevada, we know about this threat all too well. National Public Lands Day volunteers in Elko, NV, will help to repair the damage from last year's record-setting fire season.

The preservation of our public lands is a priority for me. Our public lands are part of what makes the United States a great Nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

CORRECTION FOR THE RECORD

Mr. GREGG. Mr. President, I wish to correct a press release issued by my office on August 2, 2007. In this release, we correctly quoted Senator BAUCUS during the SCHIP debate when he stated, ''We're the only country in the industrialized world that does not have universal coverage. I think the Children's Health Insurance Program is another step to move toward universal coverage.''

Due to a misplaced quotation mark in the release, the following statement I made on the floor was included in the same quotation attributed to Senator BAUCUS: ''Everyone realizes that the goal of this legislation moves us a giant step further down the road to nationalizing healthcare, which would result in a drop in quality and in rationing.'' Although this is an accurate quote, it should have been attributed to me and not Senator BAUCUS, and I apologize for any confusion that our press release may have created.

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

THE UNITED STATES AND THE UNITED NATIONS

• Mr. OBAMA. Mr. President, I rise to discuss the United Nations General Assembly. Today, as President Bush prepares to speak before the United Nations General Assembly, we are reminded both of the great potential of American leadership to enhance global security and prosperity and, tragically, of how much ground we have lost in recent years in fulfilling that potential. That ground can only be regained with new, bold, and visionary American leadership that acknowledges past mistakes, embodies and embraces change, and unifies our country to meet the challenges of the 21st century.

America has surmounted far greater hurdles before, renewing itself and leading the world towards shared security and common progress. That is the story of the founding of the United Nations. Its original architect, President Franklin D. Roosevelt, died weeks before the U.N.'s inaugural meeting in San Francisco. Roosevelt never had the opportunity to address the U.N. General Assembly, but his legacy speaks volumes. As American power reached new heights and Allied forces swept across Europe and the Pacific islands to free the world from tyranny, Roosevelt laid the foundations for a new era of collective security by creating a new institution that aimed to guarantee the peace and protect the basic rights of all human beings.

Stalin's obstruction created stalemate in the United Nations, but the United States was not deterred. American presidents created new institutions, like NATO, and encouraged others, including the European Economic Community, to advance the principles and mandate of the U.N. Charter. In the decades that followed, the United States led and listened, gained by being generous, and ultimately prevailed in the struggle with totalitarianism.

Today, it is fashionable in some circles to bash the United Nations. This is all too easy to do, but it is also shortsighted and self-defeating. The United Nations is, we should recall, an American creation. It is also a commonsense vehicle to share global burdens and costs. Despite its evident flaws and failings, the U.N. remains essential to advancing U.S. interests, enhancing global security, spurring development, and providing food, medicine, and lifesaving assistance to the world's most needy every day.

The U.N.'s work in development addresses the dire needs of 1 billion people living in extreme poverty. It is the U.N., funded in part by the generosity of America's taxpayers, that prepares and monitors elections in more than 30 countries and assists fragile new democracies. It is the U.N., funded in

part by the generosity of America's taxpayers, that feeds the famished and shelters 20 million refugees fleeing conflict and natural disaster. It is the U.N., funded in part by the generosity of America's taxpayers, that has convened the world's leaders on the urgent issue of climate change. It is the U.N., funded in part by the generosity of America's taxpayers, that strengthens global health and has helped reduce child mortality to its lowest level in history.

Today, the U.N. has more peacekeepers than ever—over 100,000—deployed in 18 missions around the world. Only a small handful are Americans. Since September 11, 2001, more than 700 men and women have lost their lives serving on U.N. peace operations to protect fragile post-conflict transitions in the Great Lakes region of Africa, Afghanistan, Lebanon, Haiti, Sudan, and elsewhere. We should not forget that one of the first terrorist attacks in Iraq targeted the U.N. compound in August of 2003 and resulted in the murder of 22 people, including U.N. Envoy Sergio Vieira de Mello.

No country has a greater stake in a strong United Nations than the United States. That is why it is particularly painful when the U.N. falls short not only of its potential but also of the principles expressed in the U.N. Charter. All too often, member states use U.N. processes as a means to avoid action rather than a means to solve problems. In recent years, U.N. member states have failed to act swiftly or decisively to end the genocide in Darfur.

The Human Rights Council has passed nine resolutions condemning Israel, a democracy with higher standards of human rights than its accusers, but none condemning any other country. The Council has dropped investigations into Belarus and Cuba for political reasons, and its method of reporting on human rights allows the Council's members to shield themselves from scrutiny. The oil-for-food scandal revealed the extent of corruption in the institution and the extent of member states' willingness to tolerate it. Although U.N. operations are often greeted as legitimate, their inefficiencies or misdeeds can turn local people against them.

Progress and renewal will come from reform, not neglect. In the 1940s, the international community with American leadership created the United Nations to meet the needs of their times, but its leaders well understood that time would not stand still. Today, we face a world that is dramatically different than that of 1945. Decisionmaking procedures designed for a world of some 50 nations must now accommodate almost 200. Some of the old rules are harmless. The General Assembly meets when it does because this was when the steamships used to arrive in New York harbors. But some of the procurement and hiring rules have slowed and encumbered multifaceted peace operations that depend on nimbleness and efficiency for success.

Most of the gravest threats faced by the United States are transnational threats: the proliferation of weapons of mass destruction, terrorism, climate change, and global pandemics like HIV/AIDS. These threats are bred in places marked by other transnational challenges: mass atrocities and genocide, weak and failed states, and persistent poverty. By definition, these are challenges that no single country can manage. America's national security depends as never before upon the will and capacity of other states to deal with their own problems and to take responsibility for tackling global problems. A strong and competent United Nations is more vital than ever to building global peace, security, and prosperity.

The United States must champion reform so the United Nations can help us meet the challenges of the 21st century.

The United Nations must step up to the challenge posed by countries developing illicit nuclear programs. The largest test of our resolve on this grave matter is in Iran, where leaders appear resolved to ignore their responsibilities to the international community. The United Nations must send a clear message to Tehran that if Iran verifiably ends its nuclear program and support for terrorism, it can join the community of nations. If it does not, it will face tougher sanctions and deeper isolation. To this end, all U.N. sanctions against Iran must be fully enforced in order to ensure their effectiveness in pressuring Iran to halt its illicit nuclear program, which has all the hallmarks of an attempt to acquire nuclear weapons.

Governments willing to brutalize their own people on a massive scale cannot escape sanction by the international community. The U.N., joined by the United States, has endorsed the responsibility to protect—the right and responsibility of the international community to act if states do not protect their own people from genocide, war crimes, ethnic cleansing, and crimes against humanity. But, there is a huge gap between words and deeds. Governments must replace their willingness to talk about the abstract ''responsibility to protect'' with an actual willingness to exercise that responsibility. And they should start in Darfur.

The United States should seek to reform the U.N. Human Rights Council and help set it right. If the Council is to be made effective and credible, governments must make it such. We need our voice to be heard loud and clear, and we need to shine a light on the world's most repressive regimes, end the Council's unfair obsession with Israel, and improve human rights policies around the globe.

We need ambassadors to the U.N. who will represent all of America, not an ideological fringe, who will forge coalitions with others, not isolate America, and who will work tirelessly to strengthen the U.N.'s capacity, not revel in weakening it.

The U.S. needs to lead the effort to reform and streamline the U.N.'s bureaucracy, increase efficiency and root out corruption. Managing urgent and high-stakes transnational challenges will be difficult under the best of circumstances. Just as we must demand professionalism, rigor, and accountability from officials in our own government, we must not ask less of those who serve the global good.

Congress needs to support the U.N. with the resources it deserves and abide by the commitments we have made. The Bush administration's record on the payment of dues is uneven, which has depleted the U.N.'s capabilities and sent a signal that this administration does not respect its purpose or its promise. We must guarantee full and prompt payment of our U.N. dues. At the same time, the U.N. and its member states have to uphold their end of the bargain. Too often, we have seen resources wasted or spent to protect parochial interests. It is time to ensure that the U.N.'s money is well spent.

We should not merely react to crises once they occur. By working through the U.N., as well as other multilateral agencies and private organizations, the United States can do more to prevent mass violence from occurring in the first place. Combining effective diplomacy and economic assistance or, when necessary, sanctions can help forestall crises that undermine regional and international security.

The U.N. is ultimately an instrument of its member states. Its future is in our hands. Let us provide bold and effective leadership to reinvigorate it so it finally achieves the potential that Roosevelt envisioned and on which our common security and common humanity depend.●

DEDICATION OF THE ARNOLD UNITED STATES COURTHOUSE

Mr. PRYOR. Mr. President. I would like to draw the Senate's attention to a dedication ceremony occurring on September 28, 2007, in Little Rock, AR. The Richard Sheppard Arnold U.S. Courthouse, located at 500 West Capitol Avenue, is named after one of Arkansas's rarest of men. Judge Arnold intertwined great skill in law with unmatched integrity and character.

The late Supreme Court Justice William J. Brennan, Jr., once described his former law clerk as ''one of the most gifted members of the federal judiciary.'' Other colleagues point to Judge Arnold as a lifetime teacher, master of the written word, and a model of humility. In his obituary, which he wrote, Judge Arnold said that he thought if he left a mark on the world at all, it would be in his written opinions. However, he concluded that his administrative assignments were his most significant achievements. His legal career began at Yale College, where he earned a bachelor's degree summa cum laude in 1957 followed by graduation magna

cum laude from Harvard Law School in 1960.

Immediately out of law school, he served as a law clerk to Justice Brennan before joining the Washington, DC, office of Covington & Burling, also serving as a part-time instructor at the University of Virginia Law School. In 1964, he returned to Texarkana, AR, as a partner at Arnold & Arnold. During this time, he also began working as a legislative secretary to Governor Dale Bumpers and later moved to Washington, DC, when Bumpers was elected U.S. Senator.

Judge Arnold's reputation for judicial brilliance and impeccable civility advanced while he served as the U.S. District Judge for the Eastern and Western Districts of Arkansas. He was confirmed again in 1980 when President Carter nominated him to a new seat on the U.S. Court of Appeals for the Eighth Circuit. Judge Arnold served as chief judge from 1992 to 1998.

In addition to his work on the bench, Judge Arnold's service and leadership extended into countless civic, political, and educational projects. He was the recipient of numerous awards, most notably the 1996 Environmental Law Institute Award, Award for Service to Women in the Law from the St. Louis Women Lawyers Association in 1998, the Edward J. Devitt Distinguished Service to Justice Award in 1999, and the Meador-Rosenberg Award for the Standing Committee on Federal Judicial Improvements of the American Bar Association in 1999. He also received honorary doctor of law degrees from the University of Arkansas, the University of Arkansas at Little Rock, and the University of Richmond. He is also the author of many legal articles in many of the Nation's most respected law reviews and journals.

The American Law Institute cites Judge Arnold's accomplishments as ''remarkable by any measure'' and then adds ''they neither capture nor define the quality and spirit of the man who achieved them.'' The same is true for this courthouse. It cannot fully honor Judge Arnold for his contributions to society, but it does serve as a standing and strong reminder of an extraordinary Judge and the justice he pursued in and out of the courtroom.

50TH ANNIVERSARY OF DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. KENNEDY. Mr. President, today the Nation celebrates the 50th anniversary of the court order requiring desegregation of Little Rock Central High School. It was a case that shocked the Nation with its graphic illustration of the horrors of Jim Crow and the very real limits it placed on the educational opportunities of millions of American children. On September 25, 1957, the Little Rock Nine were finally allowed to enter their classrooms, but only with the aid of Federal troops.

Although the students were enrolled that day, the actual process of desegregating Little Rock High School took far longer. These courageous young students had to endure taunts and abuse from their White classmates, and late night phone calls threatening violence against their families. They realized they carried the weight of their communities' futures on their young shoulders.

The effort to fully integrate the Nation's schools continued long after these first African-American students graduated, and it was not until this year that a court declared the school district fully integrated. This process of racially integrating America's public schools was repeated, if in less dramatic ways, throughout the Nation in the 1960s and 1970s.

The 50th anniversary is a reminder that the Nation has sacrificed a great deal to achieve integration, and with great success. Since the historic decision in Brown v. Board of Education in 1954, the march of progress has brought the Nation closer to its high ideals of liberty and justice for all. The struggle for equal educational opportunity has been at the heart of that march of progress, because education is the key to achieving true opportunity in all areas of American society. Education is a powerful force for increasing economic opportunity, combating residential segregation, exercising the right to vote, and fully integrating all our people into the fabric of American life.

When Robert Kennedy served as Attorney General, the effort to desegregate schools was one of his most important priorities, because he understood so well that in the context of segregation, justice delayed is justice denied.

In the past half century, we have come far, but hardly far enough. Civil rights is still the unfinished business of America. In many schools, formal integration has not brought full equality in the classroom. The troubling reports of racial violence and discriminatory discipline in Jena, LA, are an appalling current example, in which White students hung nooses in a schoolyard tree set off months of racial tension. But integration has been incomplete in less dramatic ways as well. Too often, for example, the tracking of students into advanced courses has tended to reflect racial stereotypes and preserve racial divisions.

From the 1980s to the present, we have also seen a new movement that has sought to undermine civil rights progress. Some have adopted the rhetoric of the civil rights movement to undermine its progress, often using the same strategies developed by civil rights leaders in the battle against Jim Crow. We see that result in efforts to have the courts undo landmark civil rights decisions.

Fortunately, the Supreme Court has declined recent invitations to turn back the clock on educational diversity and integration. Although the Court has found fault with some school integration plans such as in Seattle and Jefferson County, KY, its decision made clear that schools can continue to strive for racially inclusive classrooms, and that the door is still open for continued progress.

As a practical matter, it is up to individual educators, parents, school districts to make the promise of equal educational opportunity a reality. Achieving genuine integration and full equality in education takes more than a court decision. It takes good will, vision, creativity, common sense, and a firm commitment to the goal of educating all children, regardless of race. Above all, it takes a realistic assessment in each local community to determine what will work to bring students together.

That challenge is difficult to meet, but the benefits are enormous. Diversity in education benefits all students, and the Nation too. In our diverse society, it is vitally important for children to develop interactions and understanding across racial and cultural lines. Our economic future depends on our ability to educate all children to become productive members of society. That view is widely shared. Leaders of the military community and the business community have made clear that a diverse and highly educated workforce is important to their success, too.

The court order to integrate Little Rock High School helped lay the foundation for subsequent civil rights decisions and gave an immense boost to the civil rights movement. We have come a long way since that historic decision. But the struggle to fulfill Brown's promise continues today. This anniversary is an important reminder of the work still to be done to achieve true equality in education for the Nation's children.

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

WATER RESOURCES DEVELOPMENT ACT

● Mr. OBAMA. Mr. President, I applaud the Senator from California, Ms. BOXER, for her leadership and hard work in passing the Water Resources Development Act (WRDA) conference report yesterday. Had I been in Washington, DC, yesterday, I would have enthusiastically voted for the conference report on final passage.

Typically these critical water infrastructure authorizations are enacted by Congress every two years. For almost eight years, however, these priorities have languished under the watch of the previous Senate leadership. At the beginning of the 110th Congress in January, when the Senator from California became Chairman of the Environment and Public Works Committee, she pledged that the Water Resources Development Act would be completed by the Senate in a timely fashion. She kept that pledge, and I applaud her commitment.

By comparison, during the 109th Congress, those of us who supported swift

enactment of this bill encountered considerable obstacles. As a member of the Senate Environment and Public Works Committee, I was the only Democrat on the Committee to be an original cosponsor of the bill; when the bill passed out of committee in March 2005, I called upon then-Majority Leader Frist to schedule floor time for the bill that summer. It did not occur.

In September of 2005, the Senator from Missouri, Mr. BOND, and I worked together on a bipartisan letter, signed by 40 of our colleagues, calling upon Senate Republican leadership to schedule floor time for this bill. We were informed that the support of 40 Senators was insufficient, that 60 signatures would be necessary. So we gathered 80 signatures. It was not until September 2006 that the Senate finally scheduled debate on WRDA, too late for the bill to be conferenced before the end of the 109th Congress.

I will ask that the text of those letters be printed in the RECORD.

Now it is September 2007, and at long last, the conference report has been completed. This bill authorizes almost $2 billion for upgrades to locks and dams along the Mississippi and Illinois Rivers. Illinois is the largest shipper of corn and soybeans on these rivers, and the 70 year old system of locks and dams needs these upgrades to ensure swifter access to export markets—something, by the way, that competitors like Brazil are doing right now. A significant part of the farm economy is about reducing transportation costs, so if we are to strengthen our agriculture markets, we need to strengthen waterway transportation, and that means upgrading these locks and dams.

The bill also authorizes funding for a number of noteworthy Illinois projects, including the Keith Creek dam to prevent flooding in Rockford, Illinois, a third-party review of the disagreement in reconstructing Promontory Point in Chicago, and dredging at the Beardstown, Illinois harbor.

Remarkably, the President has proposed a veto of this bill, which includes approval for nationwide funding of critical flood control, navigation, environmental restoration, and storm damage reduction initiatives; the importance of such funding was tragically highlighted by Hurricane Katrina. I urge the President to drop that veto threat and support these long-delayed upgrades to our national infrastructure that were approved overwhelmingly by the House and Senate.

Mr. President, I ask unanimously to have the letters to which I referred printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 25, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Wise investment in our water resources remains an urgent need in our country. America's communities continue to face the threats posed by flooding and other natural disasters. The devastation along the Gulf Coast last year underscores the importance of shoring up our defenses against catastrophic floods in all areas of the nation. With these points in mind, we urge you to schedule floor time for the Water Resources Development Act (S. 728) at the start of this session of Congress.

As you know, this bill authorizes critical flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects across the country. These projects, subject to appropriations, will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems. Furthermore, these projects save taxpayers money by decreasing the recovery costs associated with disasters.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and the backbone of a healthy economy.

Recent hurricanes and severe storms have taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been five years since the last WRDA was enacted into law. In contrast, three WRDA bills were enacted from 1995 to 2000 with an accumulated authorized cost level that surpasses the current bill. Local and state non-Federal cost-sharing partners cannot afford any further delay. We urge you to act expeditiously to bring this important bill to the full Senate for immediate consideration.

Sincerely,

Sen. James Inhofe, Sen. Thad Cochran, Sen. Jim Jeffords, Sen. Robert Byrd, Sen. Lindsey Graham, Sen. Arlen Specter, Sen. Rick Santorum, Sen. Richard Durbin, Sen. Debbie Stabenow, Sen. Norm Coleman, Sen. Sam Brownback, Sen. Ted Stevens, Sen. Mike Crapo, Sen. Chuck Grassley, Sen. Pete V. Domenici, Sen. Dianne Feinstein, Sen. Lamar Alexander, Sen. Mel Martinez, Sen. John Cornyn, Sen. Barbara A. Mikulski, Sen. Lisa Murkowski, Sen. Bill Nelson, Sen. Maria Cantwell, Sen. Ron Wyden, Sen. Lincoln Chafee, Sen. Johnny Isakson, Sen. Jim Talent, Sen. Carl Levin, Sen. Tom Harkin, Sen. Jeff Bingaman, Sen. Barack Obama, Sen. Patty Murray, Sen. Mark Dayton, Sen. Gordon H. Smith, Sen. John Thune, Sen. John Warner, Sen. Kay Bailey Hutchison, Sen. Robert Menendez, Sen. Pat Roberts, Sen. David Vitter, Sen. Mark Pryor, Sen. Frank R. Lautenberg, Sen. Wayne Allard, Sen. George Voinovich, Sen. John F. Kerry, Sen. John D. Rockefeller, Sen. Mary Landrieu, Sen. Tim Johnson, Sen. Barbara Boxer, Sen. Byron Dorgan, Sen. Charles Schumer, Sen. Herb Kohl, Sen. Blanche Lincoln, Sen. Richard Burr, Sen. Max Baucus, Sen. George Allen, Sen. Elizabeth Dole, Sen. Paul Sarbanes, Sen. Daniel Inouye, Sen. Hillary Clinton, Sen. Larry Craig, Sen. Ken Salazar, Sen. Kent Conrad, Sen. Ben Nelson, Sen. Tom Carper, Sen. Mike DeWine, Sen. Olympia Snowe, Sen. Chuck Hagel, Sen. Saxby Chambliss, Sen. Jim Bunning, Sen. Robert Bennett, Sen. Richard Shelby, Sen. Christopher Bond, Sen. Conrad Burns, Sen. Orrin Hatch, Sen. Richard Lugar, Sen. Jack Reed, Sen. Daniel Akaka.

U.S. SENATE,
Washington, DC, February 16, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: We are writing to you to join our colleagues who sent you the attached letter requesting that you schedule floor time for the Water Resources Development Act (S. 728) at the beginning of this session of Congress. The attached letter details the critical needs for flood control, shore protection, dam safety, storm damage reduction, and ecosystem restoration projects across the country that this bill will authorize. There has not been a WRDA bill enacted into law since 2000. It is time for the Congress to act.

Sincerely,

EVAN BAYH.
PATRICK LEAHY.

U.S. SENATE,
Washington, DC, September 28, 2005.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID, Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Earlier this year, the Senate Environment and Public Works Committee approved S. 728, the Water Resources Development Act of 2005 (WRDA). The devastation along the Gulf Coast has served as a warning to America to shore up our defenses against catastrophic floods. With these vivid images in mind, we urge you to grant floor time for this bill prior to the completion of this session of Congress.

As you know, this bill authorizes critical flood control, storm damage reduction, and environmental restoration projects across the country. These projects will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and our economy.

Hurricane Katrina taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been nearly five years since the last WRDA was enacted into law. America's water resources and the communities they serve cannot afford any further delay. We urge you to act expeditiously to bring this very important bill to the full Senate for immediate consideration.

Sincerely,

James M. Jeffords, Christopher S. Bond, Jim DeMint, George V. Voinovich, Barack Obama, Jim Talent, Mike Crapo, Barbara A. Mikulski, Mel Martinez, Norm Coleman, Bill Nelson, David Vitter, John Warner, Jon S. Corzine, Frank R. Lautenberg, Richard Durbin, Carl Levin, Sam Brownback, Tim Johnson, Mark Dayton, Robert C. Byrd, John Cornyn, Ron Wyden, James M. Inhofe, Johnny Isakson, Lisa Murkowski, John Thune, Barbara Boxer, Lincoln Chafee, Tom Harkin, Paul Sarbanes, Pete V. Domenici, Chuck Grassley, Dianne Feinstein, Mary L. Landrieu, Kay Bailey Hutchison, Debbie Stabenow, Pat Roberts, Patty

Murray, Gordon Smith, Mark Pryor, Lamar Alexander, Blanche L. Lincoln, Maria Cantwell.●

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

The Senate passed H.R. 976 on August 2. To preserve the adjustment for SCHIP legislation, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee. Assuming it meets the conditions of the deficit-neutral reserve fund specified in section 301, I will again adjust the aggregates and the Senate Finance Committee's allocation for final SCHIP legislation.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,495.877
FY 2009	2,517.139
FY 2010	2,570.687
FY 2011	2,686.675
FY 2012	2,721.607
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,467.472
FY 2009	2,565.763
FY 2010	2,600.015
FY 2011	2,693.749
FY 2012	2,705.780

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008–2012 Budget Authority	6,064,784
FY 2008–2012 Outlays	6,056,901

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

[In millions of dollars]

Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−7,237
FY 2008 Outlays	−2,055
FY 2008–2012 Budget Authority	−47,405
FY 2008–2012 Outlays	−35,191
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT

Mr. ALEXANDER. Mr. President, last week the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007, and sent it on to the President for his signature. This is the biggest drug safety reform in a decade, and I was proud to support it. Among other things, this legislation will help the FDA do a better job approving and monitoring prescription drugs and medical devices, encourage the research and development of medical treatments for children, and provide needed resources to the FDA.

I am very pleased that the incentive which encourages more studies of medicines in children was preserved in the final version of this bill. Over the last 10 years, this program has helped provide worried parents and concerned physicians with information they need to make better decisions in prescribing treatment for young children. By extending drug patents in exchange for additional research on how these drugs affect children, this program has prompted studies on 144 products and led to 122 label changes on some of the most frequently prescribed medicines for children. Clearly the system works and should be continued, especially since to date only a third of drugs prescribed to children have been studied and labeled for children.

I also am pleased that this legislation reinforces FDA's broad authority over prescription drug labels. Under current law, States are preempted from substituting their judgment for the FDA's scientific decisions based on exhaustive reviews of clinical data. If this weren't the case, medicine labels would become so overwhelmed with warnings designed to avert lawsuits that most Americans will simply stop paying attention to them.

Additionally, Congress has decided to give FDA the authority to make expedited labeling changes, so that when prescription drug safety problems are identified the FDA and drug manufacturers can work together to quickly update product labels to ensure that the American people have the latest safety information. If a drug manufacturer comes to the FDA in good faith to discuss the possible need for an expedited labeling change—and if the FDA does not respond in a timely manner or decides that the science does not require a labeling change—then that drug manufacturer should not be subject to frivolous lawsuits.

I am pleased that Congress came together in a bipartisan manner to approve this legislation. It can serve as a model for how the parties can come together to pass other meaningful bills during the remainder of the 110th Congress.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF DR. EDWARD M. GRAMLICH

● Mr. LEVIN. Mr. President, I would like to honor the life of Dr. Edward M. Gramlich, who recently passed away at the age of 68. Dr. Gramlich was an outstanding and dedicated public servant whose expertise, knowledge, and counsel were highly sought after among the leaders of Michigan's economic and academic communities.

Dr. Gramlich will be best remembered as a pragmatic economist who championed the cause of consumer protection and sought to tighten mortgage lending practices. Appointed to the Board of Governors of the Federal Reserve System in 1997 by President Clinton, Dr. Gramlich brought a balanced view to the Reserve Board that included a deep respect for consumer-protection issues. For years he warned of the looming crisis in the mortgage industry, citing excessive fees and high cost mortgages offered to those who could not afford them. In June of this year, while undergoing medical treatment, Dr. Gramlich published a timely critique of these practices entitled ''Sub-prime Mortgages: America's Latest Boom and Bust,'' which both assessed the issue and offered timely solutions to the problem.

In 2005, Dr. Gramlich resigned from the Fed to return as interim provost to the University of Michigan, where he enjoyed a decades-long affiliation. He held a number of distinguished positions there throughout his career, including as a professor of economics and public policy, chair of the Economics Department, and Dean of the Ford School of Public Policy. Other important positions included Dr. Gramlich's service as chair of the Air Transportation Stabilization Board after the attacks of September 11, 2001; deputy director and acting director of the Congressional Budget Office; senior fellow at the Brookings Institute; and director of the Policy Research Division at the Office of Economic Opportunity.

Prior to his work with the Reserve Board, Dr. Gramlich served as chairman of the Neighborhood Reinvestment Corporation. In that capacity Dr. Gramlich worked to urge legislators to clamp down on predatory lending practices and to toughen regulations on

banks and mortgage lenders. During his tenure at the Fed, his strong calls for regulation were often met with resistance from a system that favors industry self-regulation. Given today's mortgage and credit crises, we cannot help but wonder ''what if'' with respect to many of those decisions. In any event, as Congress and the States seek ways to grapple with the current situation, Dr. Gramlich's work on consumer protection issues and his insightful analyses will undoubtedly have significant influence.

Dr. Gramlich is mourned by many in Michigan and across the country, including his wife Ruth; his children, Sarah Howard and Robert; his parents, J. Edward and Harriet; as well as many other family members, friends, and colleagues. Dr. Gramlich made an extraordinary impact throughout his life, and I hope that those mourning this loss find comfort in the significant legacy he leaves behind.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1199. An act to attend the grant program for drug-endangered children.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3540. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580.

The message further announced that the House has passed the following bill, without amendment:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

MEASURES REFERRED

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

H.R. 1199. An act to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; to the Committee on Banking, Housing, and Urban Affairs.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina; to the Committee on Energy and Natural Resources.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3386. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving exports to Turkey including seven Boeing 737–800 passenger aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–3387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' (Docket No. MS–021–FOR) received on September 24, 2007; to the Committee on Energy and Natural Resources.

EC–3388. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alachlor; Pesticide Tolerance'' ((FRL No. 8147–2)(Docket No. EPA–HQ–OPP–2007–0146)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3389. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio'' ((FRL No. 8470–7)(Docket No. EPA–R05–OAR–2006–0544)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3390. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Nitrogen Oxides Trading Programs'' ((FRL No. 8473–5)(Docket No. EPA–R06–OAR–2007–0651)) received on September 21, 2007; to the Committee on Environment and Public Works .

EC–3391. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' ((FRL No. 8471–9)(Docket No. EPA–R07–OAR–2007–0926)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arkansas; Clean Air Interstate Rule Nitrogen Oxides Ozone Season Trading Program'' ((FRL No. 8473–3)(Docket No. EPA–R06–OAR–2007–0886)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Award of United States-Mexico Border Program and Alaska Rural and Native Villages Program Grants Authorized by the Revised Continuing Appropriations Resolution, 2007'' (FRL No. 8472–1) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methamidophos, Oxydemeton-methyl, Profenofos, and Trichlorfon; Tolerance Actions'' ((FRL No. 8147–6) (Docket No. EPA–HQ–OPP–2007–0261)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' ((FRL No. 8148–6) (Docket No. EPA–HQ–OPP–2006–0522)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfosulfuron; Pesticide Tolerance'' ((FRL No. 8147–4) (Docket No. EPA–HQ–OPP–2006–0206)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Correction of Effective Date Under Congressional Review Act'' ((FRL No. 8473–1) (Docket No. EPA–R03–OAR–2007–0174)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tepraloxydim; Pesticide Tolerance'' ((FRL No. 8148–1) (Docket No. EPA–HQ–OPP–2007–0145)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3399. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Expanded Definition of Byproduct Material'' (RIN3150–AH84) received on September 24, 2007; to the Committee on Environment and Public Works.

EC–3400. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material from Mali'' (RIN1505–AB86) received on September 20, 2007; to the Committee on Finance.

EC–3401. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material from Guatemala'' (RIN1505–AB87) received on September 21, 2007; to the Committee on Finance.

EC–3402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Child Care and Development Fund; to the Committee on Finance.

EC–3403. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2007'' (Rev. Rul. 2007–63) received on September 20, 2007; to the Committee on Finance.

EC–3404. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Temporary Closing of Determination Letter Program for Adopters of Pre-Approved Defined Contribution Plans'' (Announcement 2007–90) received on September 20, 2007; to the Committee on Finance.

EC–3405. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2007–55) received on September 20, 2007; to the Committee on Finance.

EC–3406. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Hotel Industry Overview Guide'' (LMSB–04–0807–054) received on September 24, 2007; to the Committee on Finance.

EC–3407. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2006; to the Committee on Foreign Relations.

EC–3408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''The Mentoring Children of Prisoners Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–3409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007 to 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–3410. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled, ''Report on the Necessity and Desirability of Amending the Federal Rules of Evidence to Codify a 'Harm to Child' Exception to the Marital Privileges''; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–229. A resolution adopted by the Board of Commissioners of the County of Armstrong, Pennsylvania, urging Congress to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced; to the Committee on Finance.

POM–230. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to fully fund the federal government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted IDEA, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 17 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; and

Whereas, the general court is currently challenged with the responsibility of defining and funding an adequate education for all children in this state; and

Whereas, these legislative efforts are significantly burdened and constrained by the costs incurred by the federal government's failure to meet its full financial promise under IDEA: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–231. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to restore full funding to the Community Oriented Policing Services program; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 125

Whereas, in 1994, the Violent Crime Control and Law Enforcement Act created the Community Oriented Policing Services (COPS) program and for more than a decade the COPS initiative has awarded more than $11 billion to over 13,000 agencies across the country; in the last six years, however, the COPS program has suffered numerous cuts in funding, threatening to reverse the improvements in law enforcement credited to the program at a time when national security is a concern at all levels of government; and

Whereas, the recently filed Prosperous and Secure Neighbor Alliance Act of 2007 would allocate $170 million to the United Mexican States to professionalize the Mexican police force for patrols along the U.S.-Mexico border, sending a significant portion of the limited federal aid available to Mexico, further jeopardizing the efforts of state and local law enforcement agencies that depend on continued funding through the COPS program; and

Whereas, among the initiatives established under the COPS program is the universal hiring program that resulted in the hiring or redeployment of more than 118,000 law enforcement officers in over 12,000 enforcement agencies nationwide and training initiatives

that have helped deliver to more than 340,000 officers classes on topics ranging from ethics to terrorism; in offering grants to implement innovative programs such as these, COPS has played a significant role in reducing the crime rate in many areas of the country; but recent cuts to the program have negatively impacted recipient agencies across the country and specifically along the Texas-Mexico border where Texas law officers are consistently understaffed, underpaid, and overworked; and

Whereas, while the United States must rely on neighboring nations to do their part to maintain border security, it is equally crucial that programs such as COPS continue to receive the funding necessary to provide adequate resources to safeguard our borders and achieve a level of security expected by the American people; unfortunately, sending funds to Mexico and at the same time reducing federal assistance locally substantially imperils this worthy goal: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patrolling the border before authorizing funding for the police force of the United Mexican States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–232. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, emergency medical services, and fire protection; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 41

Whereas, Virtual Command Technology, the remote viewing of a developing emergency which gives firefighters, EMS professionals, and police officers a virtual presence at the scene, will be of enormous significance to the future security of people and property by giving fire, EMS, and police departments unprecedented knowledge of any developing emergency within seconds of its beginning; and

Whereas, in an emergency, time of response and information about the emergency are crucial for successful mitigation in a fire, health, or security incident; and

Whereas, the use of Virtual Command Technology enables fire, EMS, and police responders to reach the emergency with their critical incident planning and preparation in progress as they gain complete situational awareness of the incident and are able to put mitigation plans in place, then take action immediately upon arrival at the scene; and

Whereas, the advantage of Virtual Command Technology is that first responders can understand a developing emergency and react to it within seconds of the alert, as opposed to conventional technology, which only allows for response upon arrival at the scene; and

Whereas, Virtual Command Technology integrates video with a unique graphic display of alarm activity utilizing a database of building floor plans overlaid with icons representing sensors, detectors, and critical emergency building information; and

Whereas, in a fire emergency, smoke detector and temperature sensor conditions are updated every second, with the change in color showing the observer the nature of the developing emergency and the actual temperature; and

Whereas, in a security emergency, sensor conditions are updated every second, with icons changing color to allow monitoring personnel to locate perpetrators and track movement throughout the facility; and

Whereas, Virtual Command Technology provides crucial information to commanders enabling them to understand the emergency situation, conduct incident planning, and issue instructions while they are en route to a location so that upon arrival, all responders have their assignments and can begin incident mitigation immediately; and

Whereas, commercial, government, public, and private entities are encouraged to consider Virtual Command Technology for their security and fire protection; and

Whereas, in this consideration, the three key elements of Virtual Command Technology should be understood: (1) the protected facility is networked to police, EMS, and fire dispatch centers for immediate notification and visual validation of an emergency; (2) the protected facility is networked to a tactical monitoring station for situational awareness of a developing security incident; and (3) responding units can view the incident remotely utilizing a mobile computer networked to the facility by a broadband wireless connection; and

Whereas, in October 2006 the effectiveness of Virtual Command Technology was demonstrated in a series of comparative tactical exercises that culminated with a joint police and fire department demonstration by the Baton Rouge police and fire departments; and

Whereas, Baton Rouge Fire Chief Ed Smith and Baton Rouge Police Chief Jeff LeDuff endorsed the technology for its safety aspect for their officers and firefighters and its ability to provide real-time information about an emergency for successful mitigation; and

Whereas, using Virtual Command Technology, Baton Rouge police and fire departments experienced a significant performance increase over current response procedures and practices: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, EMS, and fire protection. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–233. A concurrent resolution adopted by the Legislature of the State of Texas expressing its gratitude for the sacrifices made by veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, federal discretionary funding is controlled by the executive branch and the United States Congress through the budget and appropriations process; and

Whereas, direct funding provides the Department of Veterans Affairs with a reliable, predictable, and consistent source of funding to provide timely, efficient, and high-quality health care for our veterans; and

Whereas, currently almost 90 percent of federal health care spending is direct rather than discretionary, and only the funding for health care for active duty military, Native Americans, and veterans is subject to the discretion of the United States Congress; and

Whereas, discretionary funding for health care lags behind both medical inflation and the increased demand for services; for example, the enrollment for veterans' health care increased 134 percent between fiscal years 1996 and 2004 yet funding increased only 34 percent during the same period when adjusted to 1996 dollars; and

Whereas, the Department of Veterans Affairs is the largest integrated health care system in the United States and has four critical health care missions: to provide health care to veterans, to educate and train health care personnel, to conduct medical research, and to serve as a backup to the United States Department of Defense and support communities in times of crisis; and

Whereas, the Department of Veterans Affairs operates 157 hospitals, with at least one in each of the contiguous states, Puerto Rico, and the District of Columbia; and

Whereas, the Department of Veterans Affairs operates more than 850 ambulatory care and community-based outpatient clinics, 132 nursing homes, 42 residential rehabilitation treatment programs, and 88 home care programs; and

Whereas, the Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including spinal cord injury and dysfunction care and rehabilitation, blind rehabilitation, traumatic brain injury care, posttraumatic stress disorder treatment, amputee care and prosthetics programs, mental health and substance abuse programs, and long-term care programs; and

Whereas, the Department of Veterans Affairs health care system is severely underfunded, and had funding for the department's medical programs been allowed to grow proportionately as the system sought to admit newly eligible veterans following the eligibility reform legislation in 1996, the current veterans' health care budget would be approximately $10 billion more; and

Whereas, in a spirit of bipartisan accommodation, members of the United States Congress should collectively resolve the problem of discretionary funding and jointly fashion an acceptable formula for funding the medical programs of the Department of Veterans Affairs: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby express its profound gratitude for the sacrifices made by veterans, including those suffering from various medical issues resulting from injuries that occurred while serving in the United States Armed Forces at home or abroad; and, be it further

Resolved, That the legislature hereby respectfully urge the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the secretary of veterans affairs, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–234. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to authorize the Department of

Veterans Affairs to convey the Thomas T. Connally Medical Center to the State of Texas; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 46

Whereas, the Thomas T. Connally Department of Veterans Affairs Medical Center was a fundamental part of the City of Marlin, Texas, for more than 50 years, and its recent closure dealt a significant blow to the community and surrounding area; and

Whereas, the beginning in 1943, the citizens of Marlin organized a campaign to secure their city as the location for a proposed naval medical facility; initially, 31 individual contributors donated $2,025 to finance their preliminary effort, and two years later, the city raised an additional $25,000 in small contributions from the local citizenry to purchase 150 acres of land for a new naval hospital; and

Whereas, although Marlin's selection as the site for the hospital had been announced in 1944, and the order approving construction of the new 500-bed facility was signed by President Harry S. Truman on July 1, 1945, congressional funding for the project was omitted from appropriations legislation later that year; and

Whereas, undeterred, the residents focused on attracting a 200-bed Veterans Administration general and surgical hospital and collected additional funds for the purchase of eight acres to donate for the facility; the city's efforts came to fruition when the Marlin Veterans Administration Hospital opened on November 1, 1950, with a staff of 14 physicians, 42 nurses, and two dentists; during its 50 years of operation, the hospital provided hundreds of jobs to area residents, continuing to reward the community's early faith and determination; and

Whereas, in 1992, the facility was renamed the Thomas T. Connally Department of Veterans Affairs Medical Center after United States Senator Connally, who championed the city's efforts to have the hospital located in Marlin; regrettably, the medical center has since been closed by the United States Department of Veterans Affairs, and there currently are no plans for its reuse despite a recent extensive remodeling; and

Whereas, although the center's closure was a major economic loss to the residents of Marlin, the city's spirit and goodwill have yet to waver; in the aftermath of Hurricanes Rita and Katrina, Marlin opened the Connally Veterans Administration Medical Center to house medically fragile evacuees from the affected areas, but, with that notable exception, the complex has sat empty and will likely be razed if a permanent use for the center cannot be found; and

Whereas, fortunately, the Connally Veterans Administration Medical Center facilities can be easily converted for a number of uses by the state, presenting a practical and beneficial use for the idle buildings; precedent for the adaptation of a Veterans Administration facility to state use was established in 2001 when the United States Congress authorized the conveyance, without consideration, of all real property and improvements associated with the Fort Lyon Veterans Administration Medical Center in Las Animas, Colorado, to the state of Colorado; and

Whereas, elected officials from Falls County and the City of Marlin, as well as many civic leaders, have expressed their support for the reuse of the Connally Veterans Administration Medical Center, and given the City of Marlin's long history with the site and the fact that it would cost more to destroy the center than to convey the facility to the State of Texas, it is only fitting that the state take advantage of this available resource: Now, therefore, be it

Resolved, that the 80th Legislature of the State of Texas hereby respectfully request the Congress of the United States to authorize the secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center located in Marlin, Texas, to the State of Texas; and, be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, to all members of the Texas delegation to the Congress, and to the Secretary of the United States Department of Veterans Affairs with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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. DORGAN (for himself and Mr. MCCAIN):

S. 2087. A bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. WHITEHOUSE, Ms. MIKULSKI, Ms. COLLINS, Mr. KOHL, and Mr. KERRY):

S. 2089. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mr. AKAKA (by request):

S. 2090. A bill to protect privacy and security concerns in court records; to the Committee on Veterans' Affairs.

By Mr. AKAKA (by request):

S. 2091. A bill to increase the number of the court's active judges; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 2093. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR:

S. Res. 330. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 331. A resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

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

S. 305

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 773

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1232, a bill to direct the Secretary of

Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. REID, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) 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. 1494

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1518

At the request of Mr. REED, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Idaho (Mr. CRAPO) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1895

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2061

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2061, a bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

S. 2063

At the request of Mr. CONRAD, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2085

At the request of Mr. BROWN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2085, a bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor 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. 2872

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) 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.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator

from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2919 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2931

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2931 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2969

At the request of Mr. KERRY, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2969 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. 2972

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2972 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. 2989

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2989 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.

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2989 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2993

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2993 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. 3003

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3003 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. 3012

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3012 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. 3017

At the request of Mr. KYL, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3017 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. I am pleased today to introduce the National Security Reform Act of 2007, a bipartisan effort that has the support of Senators who I respect a great deal, and with whom I have worked over the years on the Patriot Act and other issues. It also has the support of organizations and activists across the political spectrum.

This past spring, the Inspector General of the Justice Department issued the results of a congressionally mandated audit, an audit that examined the FBI's implementation of its dramatically expanded authority under the USA PATRIOT Act to issue National Security Letters, or NSLs. The Inspector General found, as he put it: ''widespread and serious misuse of the FBI's national security letter authorities. In many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI's own internal policies.'' A subsequent internal audit conducted by the FBI itself confirmed the IG's findings.

After the IG report came out, the Judiciary Committee heard from the Inspector General himself, who described his conclusions in detail, and from the FBI Director, who talked about some steps the FBI is taking in response to the report.

I appreciate that the FBI agrees with the IG's conclusions and recognizes that it needs to change the way it does business when it comes to NSLs. But in my view, leaving it to the FBI to fix this problem is not enough.

Unfortunately, Congress shares some responsibility for the FBI's troubling implementation of these broad authorities. The FBI's apparently lax attitude and in some cases grave misuse of these potentially very intrusive authorities is attributable in no small part to the USA PATRIOT Act. That flawed legislation greatly expanded the NSL authorities, essentially granting the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong-doing, without judicial approval. Congress gave the FBI very few rules to follow and failed to adequately remedy those shortcomings when it considered the NSL statutes as part of the Patriot Act reauthorization process.

This Inspector General report proves that ''trust us'' doesn't cut it when it comes to the Government's power to obtain Americans' sensitive business records—without a court order and without any suspicion that they are tied to terrorism or espionage. It was a significant mistake for Congress to grant the Government broad authorities and just keep its fingers crossed that they wouldn't be misused.

Congress has the responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

In addition, a Federal district court recently struck down one of the new NSL statutes, as modified by the Patriot Act reauthorization legislation enacted in 2006. The court found that a statutory provision permitting the FBI to impose a permanent, blanket nondisclosure order on recipients of NSLs violated the First Amendment.

Congress also has not provided sufficient privacy protections to govern the related authority in Section 215 of the Patriot Act, which permits the Government to obtain court orders for Americans' business records under the Foreign Intelligence Surveillance Act. Often referred to as the ''library'' provision, although it covers all types of business records, Section 215 was one of

the most controversial provisions in the Patriot Act. Unfortunately, Congress did not go nearly far enough in the reauthorization process in addressing the very legitimate privacy and civil liberties concerns that have been raised about this power, including with respect to the low standard the Government has to meet to obtain a Section 215 order, the entirely insufficient judicial review provisions, and the lack of other procedural protections.

All of this is why a bipartisan group of Senators, three Democrats and three Republicans, are introducing the National Security Letter Reform Act of 2007.

The bill places new safeguards on the use of National Security Letters and related Patriot Act authorities to protect against abuse. It restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. It makes sure that the FBI can no longer obtain the sensitive records of individuals three or four times removed from a suspect, most of whom would be entirely innocent.

It prevents the use of so-called ''exigent letters,'' which the IG found the FBI was using in violation of the NSL statutes. It requires additional congressional reporting on NSLs, and it requires the FBI to establish a compliance program and tracking database for NSLs. It requires the Attorney General to issue minimization and destruction procedures for information obtained through NSLs, so that information obtained about Americans is subject to enhanced protections and the FBI does not retain information obtained in error.

On Section 215, the legislation establishes a standard of individualized suspicion for obtaining a FISA business records order, requiring that the government have reason to believe the records sought relate to a suspected terrorist or spy or someone directly linked to a suspected terrorist or spy, and it creates procedural protections to prevent abuses. The bill also ensures robust, meaningful and constitutionally sound judicial review of both National Security Letters and Section 215 business records orders, and the gag orders that accompany them.

This legislation is a measured, reasonable response to a serious problem. The NSL authorities operate in secret. The Justice Department's classified reports to Congress on the use of NSLs were admittedly inaccurate. And when, during the reauthorization process, Congress asked questions about how these authorities were being used, we got empty assurances and platitudes that we now know were mistaken.

Oversight alone is not enough. Congress also must take corrective action. The Inspector General report has shown both that the executive branch cannot be trusted to exercise those powers without oversight and that current statutory safeguards are inadequate. This National Security Letter Reform Act is the answer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Security Letter Reform Act of 2007'' or the ''NSL Reform Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. NATIONAL SECURITY LETTER AUTHORITY FOR COMMUNICATIONS SUBSCRIBER RECORDS.

Section 2709 of title 18, United States Code, is amended to read as follows:

''§ 2709. National Security Letter for communications subscriber records

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a wire or electronic communications service provider a National Security Letter requiring the production of the following:

''(A) The name of the customer or subscriber.

''(B) The address of the customer or subscriber.

''(C) The length of the provision of service by such provider to the customer or subscriber (including start date) and the types of service utilized by the customer or subscriber.

''(D) The telephone number or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address.

''(E) The means and sources of payment for such service (including any credit card or bank account number).

''(F) Information about any service or merchandise orders, including any shipping information and vendor locations.

''(G) The name and contact information, if available, of any other wire or electronic communications service providers facilitating the communications of the customer or subscriber.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section shall not require the production of local or long distance telephone records or electronic communications transactional information not listed in paragraph (1).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter shall be issued under subsection (a) only where—

''(A) the records sought are relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); and

''(B) there are specific and articulable facts providing reason to believe that the records—

''(i) pertain to a suspected agent of a foreign power; or

''(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power who is the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); or

''(iii) pertain to the activities of a suspected agent of a foreign power, where those activities are the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment), and obtaining the records is the least intrusive means that could be used to identify persons believed to be involved in such activities.

''(2) INVESTIGATION.—For purposes of this section, an ongoing, authorized, and specifically identified national security investigation—

''(A) shall be conducted under guidelines approved by the Attorney General and Executive Order 12333 (or successor order); and

''(B) shall not be conducted with respect to a United States person upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) CONTENTS.—A National Security Letter issued under subsection (a) shall—

''(A) describe the records to be produced with sufficient particularity to permit them to be fairly identified;

''(B) include the date on which the records must be provided, which shall allow a reasonable period of time within which the records can be assembled and made available;

''(C) provide clear and conspicuous notice of the principles and procedures set forth in this section, including notification of any nondisclosure requirement under subsection (c) and a statement laying out the rights and responsibilities of the recipient; and

''(D) not contain any requirement that would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation or require the production of any documentary evidence that would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation.

''(4) RETENTION OF RECORDS.—The Director of the Federal Bureau of Investigation shall direct that a signed copy of each National Security Letter issued under this section be retained in the database required to be established by section 6 of the National Security Letter Reform Act of 2007.

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—If a certification is issued pursuant to subparagraph (B), no wire

or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section, shall disclose to any person the particular information specified in such certification for 30 days after receipt of such National Security Letter.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in charge of a Bureau field office, certifies that—

''(i) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations; or

''(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(C) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the 30-day period specified in subparagraph (A), an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that such nondisclosure requirement is no longer in effect.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with a National Security Letter under this section;

''(ii) an attorney in order to obtain legal advice or assistance regarding such National Security Letter; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a National Security Letter is directed under this section in the same manner as such person.

''(C) NOTICE.—Any recipient who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform such person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, may apply for an order prohibiting disclosure of particular information about the existence or contents of a National Security Letter issued under this section for an additional 180 days.

''(4) JURISDICTION.—An application for an order pursuant to this subsection shall be filed in the district court of the United States in any district within which the authorized investigation that is the basis for a request pursuant to this section is being conducted.

''(5) APPLICATION CONTENTS.—An application for an order pursuant to this subsection shall include—

''(A) a statement of specific and articulable facts giving the applicant reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(6) STANDARD.—The court may issue an ex parte order pursuant to this subsection if the court determines—

''(A) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(7) RENEWAL.—An order under this subsection may be renewed for additional periods of up to 180 days upon another application meeting the requirements of paragraph (5) and a determination by the court that the circumstances described in paragraph (6) continue to exist.

''(8) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the expiration of the time period imposed by a court for that nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the court, and the court shall terminate such nondisclosure requirement.

''(d) MINIMIZATION AND DESTRUCTION.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of this section, the Attorney General shall establish minimization and destruction procedures governing the retention and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation in response to a National Security Letter under this section.

''(2) DEFINITION.—In this section, the term 'minimization and destruction procedures' means—

''(A) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter, to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained pursuant to a National Security Letter regarding persons no longer of interest in an authorized investigation, or information obtained pursuant to a National Security Letter that does not meet the requirements of this section or is outside the scope of such National Security Letter, is returned or destroyed;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

''(e) REQUIREMENT THAT CERTAIN CONGRESSIONAL BODIES BE INFORMED.—

''(1) IN GENERAL.—On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, concerning all requests made under this section.

''(2) CONTENTS.—The report required by paragraph (1) shall include—

''(A) a description of the minimization and destruction procedures adopted by the Attorney General pursuant to subsection (d), including any changes to such minimization procedures previously adopted by the Attorney General;

''(B) a summary of the court challenges brought pursuant to section 3511 of title 18, United States Code, by recipients of National Security Letters;

''(C) a description of the extent to which information obtained with National Security Letters under this section has aided intelligence investigations and an explanation of how such information has aided such investigations; and

''(D) a description of the extent to which information obtained with National Security Letters under this section has aided criminal prosecutions and an explanation of how such information has aided such prosecutions.

''(f) USE OF INFORMATION.—

''(1) IN GENERAL.—

''(A) CONSENT.—Any information acquired from a National Security Letter pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization and destruction procedures required by this section.

''(B) LAWFUL PURPOSE.—No information acquired from a National Security Letter pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

''(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure

is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

''(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use this information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

''(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

''(5) MOTION TO SUPPRESS.—

''(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from a National Security Letter pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the National Security Letter, as the case may be, on the grounds that—

''(i) the information was acquired in violation of the Constitution or laws of the United States; or

''(ii) the National Security Letter was not issued in conformity with the requirements of this section.

''(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

''(6) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Whenever—

''(i) a court or other authority is notified pursuant to paragraph (3) or (4);

''(ii) a motion is made pursuant to paragraph (5); or

''(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

''(I) discover or obtain materials relating to a National Security Letter issued pursuant to this section; or

''(II) discover, obtain, or suppress evidence or information obtained or derived from a National Security Letter issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the materials as may be necessary to determine whether the request was lawful.

''(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

''(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

''(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the National Security Letter was not in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the National Security Letter or otherwise grant the motion of the aggrieved person.

''(B) LAWFUL ORDERS.—If the court determines that the National Security Letter was lawful, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

''(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that a National Security Letter was not lawful, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'agent of a foreign power' has the meaning given such term by section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b));

''(2) the term 'aggrieved person' means a person whose information or records were sought or obtained under this section; and

''(3) the term 'foreign power' has the meaning given such term by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)).''.

SEC. 3. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN FINANCIAL RECORDS.

Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended to read as follows:

''SEC. 1114. NATIONAL SECURITY LETTER FOR CERTAIN FINANCIAL RECORDS.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a financial institution, a National Security Letter requiring the production of—

''(A) the name of the customer or entity with whom the financial institution has a financial relationship;

''(B) the address of the customer or entity with whom the financial institution has a financial relationship;

''(C) the length of time during which the customer or entity has had an account or other financial relationship with the financial institution (including the start date) and the type of account or other financial relationship; and

''(D) any account number or other unique identifier associated with the financial relationship of the customer or entity to the financial institution.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section may require the production only of records identified in subparagraphs (A) through (D) of paragraph (1).

''(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to wire and electronic communication service providers.

''(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

''(c) DEFINITION OF 'FINANCIAL INSTITUTION'.—For purposes of this section, section 1115, and section 1117, insofar as they relate to the operation of this section, the term 'financial institution' has the same meaning as in subsections (a)(2) and (c)(1) of section 5312 of title 31, except that, for purposes of this section, such term shall include only such a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.''.

SEC. 4. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN CONSUMER REPORT RECORDS.

Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by striking the section heading and inserting the following:

''§ 626. National Security Letters for certain consumer report records'';

(2) by striking subsections (a) through (d) and inserting the following:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a consumer reporting agency a National Security Letter requiring the production of—

''(A) the name of a consumer;

''(B) the current and former address of a consumer;

''(C) the current and former places of employment of a consumer; and

''(D) the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that such information is in the files of the consumer reporting agency.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section may not require the production of a consumer report.

''(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the

same extent as those provisions apply with respect to wire and electronic communication service providers.

''(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.'';

(3) by striking subsections (f) through (h); and

(4) by redesignating subsections (e) and (i) through (m) as subsections (c) through (h), respectively.

SEC. 5. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

(a) REVIEW OF NONDISCLOSURE ORDERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—The recipient of a request for records or other information under section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) to modify or set aside a nondisclosure requirement imposed in connection with such a request. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, or upon any constitutional or other legal right or privilege of such person.

''(2) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

''(A) there is a reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.''.

(b) DISCLOSURE.—Section 3511(d) of title 18, United States Code, is amended to read as follows:

''(d) DISCLOSURE.—In making determinations under this section, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, National Security Letter, or other related materials.''.

(c) CONFORMING AMENDMENTS.—Section 3511 of title 18, United States Code, is amended—

(1) in subsection (a), by—

(A) inserting after ''(a)'' the following ''REQUEST.—'';

(B) striking ''2709(b)'' and inserting ''2709'';

(C) striking ''626(a) or (b) or 627(a)'' and inserting ''626''; and

(D) striking ''1114(a)(5)(A)'' and inserting ''1114''; and

(2) in subsection (c), by—

(A) inserting after ''(c)'' the following ''FAILURE TO COMPLY.—'';

(B) by striking ''2709(b)'' and inserting ''2709'';

(C) by striking ''626(a) or (b) or 627(a)'' and inserting ''626''; and

(D) by striking ''1114(a)(5)(A)'' and inserting ''1114''. .

(d) REPEAL.—Section 3511(e) of title 18, United States Code, is repealed.

SEC. 6. NATIONAL SECURITY LETTER COMPLIANCE PROGRAM AND TRACKING DATABASE.

(a) COMPLIANCE PROGRAM.—The Director of the Federal Bureau of Investigation shall establish a program to ensure compliance with the amendments made by sections 2, 3, and 4 of this Act.

(b) TRACKING DATABASE.—The compliance program required by subsection (a) shall include the establishment of a database, the purpose of which shall be to track all National Security Letters issued by the Federal Bureau of Investigation under section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), and section 2709 of title 18, United States Code.

(c) INFORMATION.—The database required by this section shall include—

(1) a signed copy of each National Security Letter;

(2) the date the National Security Letter was issued and for what type of information;

(3) whether the National Security Letter seeks information regarding a United States person or non-United States person;

(4) the ongoing, authorized, and specifically identified national security investigation (other than a threat assessment) to which the National Security Letter relates;

(5) whether the National Security Letter seeks information regarding an individual who is the subject of such investigation;

(6) when the information requested was received and, if applicable, when it was destroyed; and

(7) whether the information gathered was disclosed for law enforcement purposes.

SEC. 7. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) is amended—

(1) in paragraph (1)—

(A) by striking ''concerning different United States persons''; and

(B) in subparagraph (A), by striking '', excluding the number of requests for subscriber information'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) CONTENT.—The report required by this subsection shall include the total number of requests described in paragraph (1) requiring disclosure of information concerning—

''(A) United States persons;

''(B) non-United States persons;

''(C) persons who are the subjects of authorized national security investigations; and

''(D) persons who are not the subjects of authorized national security investigations.''.

SEC. 8. SUNSET OF EXPANDED NATIONAL SECURITY LETTER AUTHORITIES.

Subsection 102(b) of Public Law 109–177 is amended to read as follows:

''(b) SECTIONS 206, 215, 358(G), 505 SUNSET.—

''(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended to read as they read on October 25, 2001—

''(A) sections 501, 502, and 105(c)(2) of the Foreign Intelligence Surveillance Act of 1978;

''(B) section 2709 of title 18, United States Code;

''(C) sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v); and

''(D) section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

''(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''.

SEC. 9. PRIVACY PROTECTIONS FOR SECTION 215 BUSINESS RECORDS ORDERS.

(a) IN GENERAL.—Section 501(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended—

(1) in paragraph (1)(B), by striking ''and'' after the semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking '', such things being presumptively'' through the end of the subparagraph and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (A) the following:

''(B) a statement of specific and articulable facts providing reason to believe that the tangible things sought—

''(i) pertain to a suspected agent of a foreign power; or

''(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power if the circumstances of that contact or link suggest that the records sought will be relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment) of that suspected agent of a foreign power; and''; and

(3) by inserting at the end the following:

''(3) if the applicant is seeking a nondisclosure requirement described in subsection (d), shall include—

''(A) a statement of specific and articulable facts providing reason to believe that disclosure of particular information about the existence or contents of the order requiring the production of tangible things under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.''.

(b) ORDER.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (1), by—

(A) striking ''subsections (a) and (b)'' and inserting ''subsection (a) and paragraphs (1) and (2) of subsection (b)''; and

(B) inserting at the end the following: ''If the judge finds that the requirements of subsection (b)(3) have been met, such order shall include a nondisclosure requirement subject

to the principles and procedures described in subsection (d)''; and

(2) in paragraph (2)(C), by inserting before the semicolon '', if applicable''.

(c) NONDISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

''(d) NONDISCLOSURE.—

''(1) IN GENERAL.—No person who receives an order under subsection (c) that contains a nondisclosure requirement shall disclose to any person the particular information specified in such nondisclosure requirement for 180 days after receipt of such order.

''(2) EXCEPTION.—

''(A) DISCLOSURE.—A person who receives an order under subsection (c) that contains a nondisclosure requirement may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with an order under this section;

''(ii) an attorney in order to obtain legal advice or assistance regarding such order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as such person.

''(C) NOTIFICATION.—Any person who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify such person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge), may apply for renewals for the prohibition on disclosure of particular information about the existence or contents of an order requiring the production of tangible things under this section for additional periods of up to 180 days each. Such nondisclosure requirement shall be renewed if a court having jurisdiction pursuant to paragraph (4) determines that the application meets the requirements of subsection (b)(3).

''(4) JURISDICTION.—An application for a renewal pursuant to this subsection shall be made to—

''(A) a judge of the court established under section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of the court established under section 103(a).''.

(d) USE OF INFORMATION.—Section 501(h) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

''(h) USE OF INFORMATION.—

''(1) IN GENERAL.—

''(A) CONSENT.—Any tangible things or information acquired from an order pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this section.

''(B) USE AND DISCLOSURE.—No tangible things or information acquired from an order pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

''(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No tangible things or information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such tangible things or information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

''(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use the tangible things or information or submit them in evidence, notify the aggrieved person and the court or other authority in which the tangible things or information are to be disclosed or used that the United States intends to so disclose or so use such tangible things or information.

''(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the tangible things or information are to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such tangible things or information.

''(5) MOTION TO SUPPRESS.—

''(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from an order pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the order, as the case may be, on the grounds that—

''(i) the tangible things or information were acquired in violation of the Constitution or laws of the United States; or

''(ii) the order was not issued in conformity with the requirements of this section.

''(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

''(6) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Whenever—

''(i) a court or other authority is notified pursuant to paragraph (3) or (4);

''(ii) a motion is made pursuant to paragraph (5); or

''(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

''(I) discover or obtain applications, orders, or other materials relating to an order issued pursuant to this section; or

''(II) discover, obtain, or suppress evidence or information obtained or derived from an order issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the application, order, and such other related materials as may be necessary to determine whether the order was lawfully authorized and served.

''(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

''(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

''(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the order was not authorized or served in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the order or otherwise grant the motion of the aggrieved person.

''(B) LAWFUL ORDERS.—If the court determines that the order was lawfully authorized and served, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

''(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that an order was not lawfully authorized or served, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.''.

(e) DEFINITION.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

''SEC. 503. DEFINITIONS.

''In this title, the following definitions apply:

''(1) IN GENERAL.—Except as provided in this section, terms used in this title that are also used in title I shall have the meanings given such terms by section 101.

''(2) AGGRIEVED PERSON.—The term 'aggrieved person' means any person whose tangible things or information were acquired pursuant to an order under this title.''.

SEC. 10. JUDICIAL REVIEW OF SECTION 215 ORDERS.

Section 501(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

''(f) JUDICIAL REVIEW.—

''(1) ORDER FOR PRODUCTION.—Not later than 20 days after the service upon any person of an order pursuant to subsection (c), or at any time before the return date specified in the order, whichever period is shorter, such person may file, in the court established under section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for

such court to modify or set aside such order. The time allowed for compliance with the order in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of such order to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

''(2) NONDISCLOSURE ORDER.—

''(A) IN GENERAL.—A person prohibited from disclosing information under subsection (d) may file, in the courts established by section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for such court to set aside the nondisclosure requirement. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

''(B) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

''(i) there is reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations; or

''(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(3) RULEMAKING.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Security Letter Reform Act of 2007, the courts established pursuant to section 103(a) shall establish such rules and procedures and take such actions as are reasonably necessary to administer their responsibilities under this subsection.

''(B) REPORTING.—Not later than 30 days after promulgating rules and procedures under subparagraph (A), the courts established pursuant to section 103(a) shall transmit a copy of the rules and procedures, unclassified to the greatest extent possible (with a classified annex, if necessary), to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

''(4) DISCLOSURES TO PETITIONERS.—In making determinations under this subsection, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials.''.

SEC. 11. RESOURCES FOR FISA APPLICATIONS.

(a) ELECTRONIC FILING.—

(1) IN GENERAL.—The Department of Justice shall establish a secure electronic system for the submission of documents and other information to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) relating to applications for orders under chapter 36 of title 50, authorizing electronic surveillance, physical searches, the use of pen register and trap and trace devices, and the production of tangible things.

(2) FUNDING SOURCE.—Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) $5,000,000 for the implementation of the secure electronic filing system established by Section 11(a)(1) of the National Security Letter Reform Act.''.

(b) PERSONNEL AND INFORMATION TECHNOLOGY NEEDS.—

(1) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(A) IN GENERAL.—The Office of Intelligence Policy and Review of the Department of Justice may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(B) FUNDING SOURCE.—

(i) Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (D), by striking ''and'' after the semicolon;

(II) in subparagraph (E), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(F) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.''.

(ii) Section 1104(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (C), by striking ''and'' after the semicolon;

(II) in subparagraph (D), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(E) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.''.

(2) FBI.—

(A) IN GENERAL.—The Federal Bureau of Investigation may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the Foreign Intelligence Surveillance Court.

(B) FUNDING SOURCE.—

(i) Section 1103(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: '', and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act''.

(ii) Section 1104(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: '', and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act''.

SEC. 12. ENHANCED PROTECTIONS FOR EMERGENCY DISCLOSURES.

(a) STORED COMMUNICATIONS ACT.—Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)(8), by—

(A) striking '', in good faith,'' and inserting ''reasonably'';

(B) inserting ''immediate'' after ''involving''; and

(C) adding before the period: '', subject to the limitations of subsection (d) of this section;'';

(2) in subsection (c)(4) by—

(A) striking ''. in good faith,'' and inserting ''reasonably'';

(B) inserting ''immediate'' after ''involving''; and

(C) adding before the period: '', subject to the limitations of subsection (d) of this section.'';

(3) redesignating subsection (d) as subsection (e) and adding after subsection (c) the following:

''(d) REQUIREMENT.—

''(1) REQUEST.—If a governmental entity requests that a provider divulge information pursuant to subsection (b)(8) or (c)(4), the request shall specify that the disclosure is on a voluntary basis and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(2) NOTICE TO COURT.—Within 5 days of obtaining access to records under subsection (b)(8) or (c)(4), the governmental entity shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the governmental entity setting forth the grounds for the emergency access.''; and

(4) in subsection (e), as redesignated in paragraphs (1) and (2), by striking ''subsection (b)(8)'' and inserting ''subsections (b)(8) and (c)(4)''.

(b) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) EMERGENCY DISCLOSURES.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended by inserting after section 1120 the following:

''SEC. 1121. EMERGENCY DISCLOSURES.

''(a) IN GENERAL.—

''(1) STANDARD.—A financial institution (as defined in section 1114(c)) may divulge a record described in section 1114(a) pertaining to a customer to a Government authority, if the financial institution reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

''(2) NOTICE IN REQUEST.—If a Government authority requests that a financial institution divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(b) CERTIFICATE.—In the instances specified in subsection (a), the Government shall submit to the financial institution the certificate required in section 1103(b), signed by a supervisory official of a rank designated by the head of the Government authority.

''(c) NOTICE TO COURT.—Within 5 days of obtaining access to financial records under this section, the Government authority shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government authority setting forth the grounds for the emergency access. The Government authority shall thereafter comply with the notice provisions of section 1109.

''(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the

Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

''(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

''(2) a summary of the bases for disclosure in those instances where—

''(A) voluntary disclosures under this section were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

(2) CONFORMING AMENDMENTS.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(A) in section 1102 (12 U.S.C. 3402), by striking ''or 1114'' and inserting ''1114, or 1121''; and

(B) in section 1109(c) (12 U.S.C. 3409(c)), by striking ''1114(b)'' and inserting ''1121''.

(c) FAIR CREDIT REPORTING ACT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended to read as follows:

''SEC. 627. EMERGENCY DISCLOSURES.

''(a) IN GENERAL.—

''(1) STANDARD.—A consumer reporting agency may divulge identifying information respecting any consumer, limited to the name, address, former addresses, places of employment, or former places of employment of the consumer, to a Government agency, if the consumer reporting agency reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

''(2) NOTICE IN REQUEST.—If a Government agency requests that a consumer reporting agency divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(b) NOTICE TO COURT.—Within 5 days of obtaining access to identifying information under this section, the Government agency shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government agency setting forth the grounds for the emergency access.

''(c) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

''(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

''(2) a summary of the bases for disclosure in those instances where—

''(A) voluntary disclosures under this section were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

SEC. 13. CLARIFICATION REGARDING DATA RETENTION.

Subsection 2703(f) of title 18, United States Code, is amended by adding at the end the following:

''(3) A provider of wire or electronic communications services or a remote computing service who has received a request under this subsection shall not disclose the records referred to in paragraph (1) until such provider has received a court order or other process.''.

SEC. 14. LEAST INTRUSIVE MEANS.

(a) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines (consistent with Executive Order 12333 or successor order) instructing that when choices are available between the use of information collection methods in national security investigations that are more or less intrusive, the least intrusive collection techniques feasible are to be used.

(2) SPECIFIC COLLECTION TECHNIQUES.—The guidelines required by this section shall provide guidance with regard to specific collection techniques, including the use of national security letters, considering such factors as—

(A) the effect on the privacy of individuals;

(B) the potential damage to reputation of individuals; and

(C) any special First Amendment concerns relating to a potential recipient of a National Security Letter or other legal process, including a direction that prior to issuing such National Security Letter or other legal process to a library or bookseller, investigative procedures aimed at obtaining the relevant information from entities other than a library or bookseller be utilized and have failed, or reasonably appear to be unlikely to succeed if tried or endanger lives if tried.

(b) DEFINITIONS.—In this section:

(1) BOOKSELLER.—The term ''bookseller'' means a person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

(2) LIBRARY.—The term ''library'' means a library (as that term is defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2))) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination, or circulation.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to support this Nations' workers, who deserve better treatment than they currently experience when their employers fail them.

We all remember what happened with Enron. Thousands of workers toiled over decades to slowly build up good, solid companies of which they could be proud. Then, in just a few short years, these companies were bought up by a conglomerate and run into the ground.

Enron went bankrupt and, just like that, the workers and retirees who spent their lives building something lost their jobs, their benefits, and most of their pensions. Our bankruptcy system helped facilitate that loss.

It is not just Enron. Workers and retirees are always near the back of the line when their companies go into bankruptcy. Some firms have gone into bankruptcy at least in part because companies can walk away forever from some of their obligations to their employees.

Today I am introducing the Protecting Employees and Retirees in Business Bankruptcies Act, along with Senators KENNEDY and FEINGOLD. I am pleased that Chairman CONYERS of the House Judiciary Committee will be introducing the House companion.

The Protecting Employees and Retirees in Business Bankruptcies Act will increase the value of worker claims in bankruptcy. The bill doubles the maximum value of wage claims for each worker to $20,000; allows a second claim of up to $20,000 for benefits earned; eliminates the requirement that employees earn wage and benefit claims within 180 days of the bankruptcy filing; creates a new priority claim for the loss in value of workers' pensions; and establishes a new priority administrative expense for workers' collective severance pay.

The bill also will reduce the loss of wages and benefits. It protects the value of collective bargaining agreements by limiting the situations in which they can be rejected and by tightening the criteria by which they can be amended. It also protects retiree benefits and ensures that bidders for assets of the bankrupt company that promise to honor back wages, vacation time, and other benefits are considered favorably.

Finally, the bill will increase the parity of worker and executive claims. For example, the bill prohibits deferred executive compensation in situations where employee compensation plans have been terminated in bankruptcy.

No longer will executives and insiders be able to pay themselves huge bonuses in the midst of slashing payroll and benefit costs.

No longer will consultants receive huge fees while retirees are losing most of their pensions.

No longer will companies be able to sell off all of the assets that make the company worthwhile, and yet refuse to use those proceeds to support the workers who have lost their livelihoods.

I am proud to introduce this legislation with Senators KENNEDY and FEINGOLD, and I thank the AFL–CIO and all of its workers for their wholehearted support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Employees and Retirees in Business Bankruptcies Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Recent corporate restructurings have exacted a devastating toll on workers through deep cuts in wages and benefits, termination of defined benefit pension plans, and the transfer of productive assets to

lower wage economies outside the United States. Retirees have suffered deep cutbacks in benefits when companies in bankruptcy renege on their retiree health obligations and terminate pension plans.

(2) Congress enacted chapter 11 of title 11, United States Code, to protect jobs and enhance enterprise value for all stakeholders and not to be used as a strategic weapon to eliminate good paying jobs, strip employees and their families of a lifetime's worth of earned benefits and hinder their ability to participate in a prosperous and sustainable economy. Specific laws designed to treat workers and retirees fairly and keep companies operating are instead causing the burdens of bankruptcy to fall disproportionately and overwhelmingly on employees and retirees, those least able to absorb the losses.

(3) At the same time that working families and retirees are forced to make substantial economic sacrifices, executive pay enhancements continue to flourish in business bankruptcies, despite recent congressional enactments designed to curb lavish pay packages for those in charge of failing enterprises. Bankruptcy should not be a haven for the excesses of executive pay.

(4) Employees and retirees, unlike other creditors, have no way to diversify the risk of their employer's bankruptcy.

(5) Comprehensive reform is essential in order to remedy these fundamental inequities in the bankruptcy process and to recognize the unique firm-specific investment by employees and retirees in their employers' business through their labor.

SEC. 3. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''$10,000'' and inserting ''$20,000'';

(B) by striking ''within 180 days''; and

(C) by striking ''or the date of the cessation of the debtor's business, whichever occurs first,'';

(2) in paragraph (5)(A), by striking—

(A) ''within 180 days''; and

(B) ''or the date of the cessation of the debtor's business, whichever occurs first''; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.''.

SEC. 4. PRIORITY FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

(a) Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)) for the benefit of an individual who is not an insider or 1 of the 10 most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to—

''(i) employer contributions by the debtor or an affiliate of the debtor, other than elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon; or

''(ii) elective deferrals and any earnings thereon.''.

(b) Section 507(a) of title 11, United States Code, is amended—

(1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(2) by inserting after paragraph (5) the following:

''(6) Sixth, loss of the value of equity securities of the debtor or affiliate of the debtor that are held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)), without regard to when services resulting in the contribution of stock to the plan were rendered, measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case where an employer or plan sponsor that has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.'';

(3) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh'';

(4) in paragraph (8), as redesignated, by striking ''Seventh'' and inserting ''Eighth'';

(5) in paragraph (9), as redesignated, by striking ''Eighth'' and inserting ''Ninth'';

(6) in paragraph (10), as redesignated, by striking ''Ninth'' and inserting ''Tenth''; and

(7) in paragraph (11), as redesignated, by striking ''Tenth'' and inserting ''Eleventh''.

SEC. 5. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking ''and'' at the end;

(2) in paragraph (9) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor, or owed pursuant to a collective bargaining agreement, but not under an individual contract of employment, for termination or layoff on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment.''.

SEC. 6. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a)(5) of title 11, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''and'' at the end; and

(2) in subparagraph (B), by striking the period at the end and inserting the following: ''; and

''(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court, as reasonable when compared to persons holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 7. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect prior to the date of the commencement of the case,'' after ''remain with the debtor's business,''; and

(2) by amending paragraph (3) to read as follows:

''(3) other transfers or obligations, to or for the benefit of officers, of managers, or of consultants retained to provide services to the debtor, before or after the date of filing of the petition, in the absence of a finding by the court based upon evidence in the record, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 8. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

''(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with the provisions of this section.

''(b)(1) Where a debtor in possession or trustee (hereinafter in this section referred to collectively as a 'trustee') seeks rejection of a collective bargaining agreement, a motion seeking rejection shall not be filed unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually acceptable modifications of such agreement. Proposals by the trustee to modify the agreement shall be limited to modifications to the agreement that—

''(A) are designed to achieve a total aggregate financial contribution for the affected labor group for a period not to exceed 2 years after the effective date of the plan;

''(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

''(C) shall not overly burden the affected labor group, either in the amount of the savings sought from such group or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

''(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.

''(c)(1) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing held pursuant to subsection (d). The court may grant a motion to reject a collective bargaining agreement only if the court finds that—

''(A) the debtor has, prior to such hearing, complied with the requirements of subsection (b) and has conferred in good faith with the authorized representative regarding such proposed modifications, and the parties were at an impasse;

''(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (b)(1);

''(C) further negotiations are not likely to produce a mutually satisfactory agreement; and

''(D) the court has considered—

''(i) the effect of the proposed financial relief on the affected labor group;

''(ii) the ability of the debtor to retain an experienced and qualified workforce; and

''(iii) the effect of a strike in the event of rejection of the collective bargaining agreement.

''(2) In reaching a decision under this subsection regarding whether modifications proposed by the debtor and the total aggregate savings meet the requirements of subsection (b), the court shall take into account—

''(A) the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity; and

''(B) whether the authorized representative agreed to provide financial relief to the debtor within the 24-month period prior to the date of the commencement of the case, and if so, shall consider the total value of such relief in evaluating the debtor's proposed modifications.

''(3) In reaching a decision under this subsection, where a debtor has implemented a program of incentive pay, bonuses, or other financial returns for insiders or senior management personnel during the bankruptcy, or has implemented such a program within 180 days before the date of the commencement of the case, the court shall presume that the debtor has failed to satisfy the requirements of subsection (b)(1)(C).'';

(2) in subsection (d)—

(A) by striking ''(d)'' and all that follows through paragraph (2) and inserting the following:

''(d)(1) Upon the filing of a motion for rejection of a collective bargaining agreement, the court shall schedule a hearing to be held on not less than 21 days notice (unless the debtor and the authorized representative agree to a shorter time). Only the debtor and the authorized representative may appear and be heard at such hearing.''; and

(B) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (f), by adding at the end the following: ''Any payment required to be made under this section before the date on which a plan confirmed under section 1129 is effective has the status of an allowed administrative expense, as provided in section 503.''; and

(4) by adding at the end the following:

''(g) The rejection of a collective bargaining agreement constitutes a breach of such contract with the same effect as rejection of an executory contract pursuant to section 365(g). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by an authorized representative shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (c) or court-authorized interim changes under subsection (e), and no provision of this title or of any other Federal or State law shall be construed to the contrary.

''(h) At any time after the date on which an order is entered authorizing rejection, or where an agreement providing mutually satisfactory modifications has been entered into between the debtor and the authorized representative, at any time after such agreement has been entered into, the authorized representative may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request so long as the increase or other relief is consistent with the standard set forth in subsection (b)(1)(B).

''(i) Upon request by the authorized representative, and where the court finds that the prospects for reaching a mutually satisfactory agreement would be aided by granting the request, the court may direct that a dispute under subsection (c) be heard and determined by a neutral panel of experienced labor arbitrators in lieu of a court proceeding under subsection (d). The decision of such panel shall have the same effect as a decision by the court. The court's decision directing the appointment of a neutral panel is not subject to appeal.

''(j) Upon request by the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section, after notice and a hearing.

''(k) If a plan to be confirmed under section 1129 provides for the liquidation of the debtor, whether by sale or cessation of all or part of the business, the trustee and the authorized representative shall confer regarding the effects of such liquidation on the affected labor group, in accordance with applicable nonbankruptcy law, and shall provide for the payment of all accrued obligations not assumed as part of a sale transaction, and for such other terms as may be agreed upon, in order to ensure an orderly transfer of assets or cessation of the business. Any such payments shall have the status of allowed administrative expenses under section 503.

''(l) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.''.

SEC. 9. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting '', whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program'' before the period at the end;

(2) in subsection (c)(1), by adding at the end the following: ''Where a labor organization elects to serve as the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section after notice and a hearing.'';

(3) in subsection (f), by striking ''(f)'' and all that follows through paragraph (2) and inserting the following:

''(f)(1) Where a trustee seeks modification of retiree benefits, a motion seeking modification of such benefits shall not be filed, unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually satisfactory modifications. Proposals by the trustee to modify retiree benefits shall be limited to modifications in retiree benefits that—

''(A) are designed to achieve a total aggregate financial contribution for the affected retiree group for a period not to exceed 2 years after the effective date of the plan;

''(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

''(C) shall not overly burden the affected retirees, either in the amount of the savings sought or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

''(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.'';

(4) in subsection (g), by striking ''(g)'' and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

''(g) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may apply to the court for modifications in the payment of retiree benefits after notice and a hearing held pursuant to subsection (k). The court may grant a motion to modify the payment of retiree benefits only if the court finds that—

''(1) the debtor has, prior to the hearing, complied with the requirements of subsection (f) and has conferred in good faith with the authorized representative regarding such proposed modifications and the parties were at an impasse;

''(2) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (f)(1);

''(3) further negotiations are not likely to produce a mutually satisfactory agreement; and

''(4) the court has considered—

''(A) the effect of the proposed modifications on the affected retirees; and

''(B) where the authorized representative is a labor organization, the effect of a strike in the event of modification of retiree health benefits;'';

(5) in subsection (k)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''fourteen'' and inserting ''21''; and

(ii) by striking the second and third sentences, and inserting the following: ''Only the debtor and the authorized representative may appear and be heard at such hearing.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(6) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively, and inserting the following:

''(l) In determining whether the proposed modifications comply with subsection (f)(1)(A), the court shall take into account the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity.

''(m) No plan, fund, program, or contract to provide retiree benefits for insiders or senior management shall be assumed by the debtor if the debtor has obtained relief under subsection (g) or (h) for reductions in retiree benefits or under subsection (c) or (e) of section 1113 for reductions in the health benefits of active employees of the debtor on or after the commencement of the case or reduced or eliminated active or retiree benefits within 180 days prior to the date of the commencement of the case.''.

SEC. 10. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363 of title 11, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, has preserved retiree health benefits, and has assumed the obligations of any defined benefit plan, in determining whether an offer constitutes the highest or best offer for such property.''; and

(2) by adding at the end the following:

''(q) If, as a result of a sale approved under this section, retiree benefits, as defined under section 1114(a), are modified or eliminated pursuant to the provisions of subsection (e)(1) or (h) of section 1114 or otherwise, then, except as otherwise provided in an agreement with the authorized representative of such retirees, a charge of $20,000 per retiree shall be made against the proceeds of such sale (or paid by the buyer as part of the sale) for the purpose of—

''(1) funding 12 months of health coverage following the termination or modification of such coverage through a plan, fund, or program made available by the buyer, by the debtor, or by a third party; or

''(2) providing the means by which affected retirees may obtain replacement coverage on their own,

except that the selection of either paragraph (1) or (2) shall be upon the consent of the authorized representative, within the meaning of section 1114(b), if any. Any claim for modification or elimination of retiree benefits pursuant to section 1114(i) shall be offset by the amounts paid under this subsection.''.

SEC. 11. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting '', including a labor organization,'' after ''A creditor''.

SEC. 12. CLAIM FOR LOSS OF PENSION BENEFITS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) The court shall allow a claim asserted by an active or retired participant in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.''.

SEC. 13. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: ''Where employees have not received wages, accrued vacation, severance, or other benefits owed pursuant to the terms of a collective bargaining agreement for services rendered on and after the date of the commencement of the case, such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or successor or predecessor in interest.''.

SEC. 14. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

''SEC. 1100. STATEMENT OF PURPOSE.

''A debtor commencing a case under this chapter shall have as its purpose the reorganization of its business and, to the greatest extent possible, maintaining or enhancing the productive use of its assets, so as to preserve jobs.'';

(2) in section 1129(a), by adding at the end the following:

''(17) The debtor has demonstrated that every reasonable effort has been made to maintain existing jobs and mitigate losses to employees and retirees.'';

(3) in section 1129(c), by striking the last sentence and inserting the following: ''If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm, consider—

''(1) the extent to which each plan would maintain existing jobs, has preserved retiree health benefits, and has maintained any existing defined benefit plans; and

''(2) the preferences of creditors and equity security holders, and shall confirm the plan that better serves the interests of employees and retirees.''; and

(4) in the table of sections in chapter 11, by inserting the following before the item relating to section 1101:

''1100. Statement of purpose.''.

SEC. 15. ASSUMPTION OF EXECUTIVE RETIREMENT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''and (d)'' and inserting ''(d), and (q)''; and

(2) by adding at the end the following:

''(q) No deferred compensation arrangement for the benefit of insiders or senior management of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days prior to the date of the commencement of the case.''.

SEC. 16. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

''§ 563. Recovery of executive compensation

''(a) If a debtor has obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114, by which the debtor reduces its contractual obligations under a collective bargaining agreement or retiree benefits plan, the court, as part of the entry of such order granting relief, shall determine the percentage diminution, as a result of the relief granted under section 1113 or 1114, in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement or with respect to retiree benefits, as of the date of the commencement of the case under this title. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under the provisions of title IV of such Act as a result of any such termination.

''(b) Where a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114 of this title, the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities prior to such termination. The court shall not take into account pension benefits paid or payable under the provisions of title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

''(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman and any individual serving as lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 of this title or, if no such relief has been granted, the termination of the defined benefit plan.

''(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

''(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to the provisions of subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.''.

SEC. 17. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; and'' and

(3) by adding at the end the following:

''(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.''.

SEC. 18. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.''.

SEC. 19. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code, is amended—

(1) by adding at the end the following:

''(18) In a case in which the debtor initiated proceedings under section 1113, the plan provides for recovery of rejection damages (where the debtor obtained relief under subsection (c) or (e) of section 1113 prior to confirmation of the plan) or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).''; and

(2) by striking paragraph (13) and inserting the following:

''(13) With respect to retiree benefits, as that term is defined in section 1114, the plan—

''(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time prior to the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or, if no modifications are made prior to confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor prior to the date of the filing of the petition; and

''(B) provides for allowed claims for modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative, to the extent that such returns are paid under, rather than outside of, a plan).''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 330

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to restore the quantity and quality of the Jordan River water flow and to restore the water level of the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and the desalination and restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea–Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea–Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab–Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of a possible pipeline from the Red Sea to the Dead Sea in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab–Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic and environmental importance for the Middle East and the world. However, both the Jordan River and the Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as it addresses the degradation of the Jordan River and the Dead Sea, and hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT TURKEY SHOULD END ITS MILITARY OCCUPATION OF THE REPUBLIC OF CYPRUS, PARTICULARLY BECAUSE TURKEY'S PRETEXT HAS BEEN REFUTED BY OVER 13,000,000 CROSSINGS OF THE DIVIDE BY TURKISH-CYPRIOTS AND GREEK CYPRIOTS INTO EACH OTHER'S COMMUNITIES WITHOUT INCIDENT

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 331

Whereas it is in the best interests of the United States, Turkey, Cyprus, the European Union, and NATO for Turkey to adhere to United Nations resolutions and United States and European Union policy and end its military occupation of the Republic of Cyprus;

Whereas 13,000,000 crossings of the divide by Turkish-Cypriots and Greek-Cypriots into each other's communities without incident qualifies Cyprus' ethnic community relations to be among the world's safest, regardless of circumstances;

Whereas, unlike age-old ethnic frictions in the region, Cyprus has historically been an oasis of generally peaceful relations among ethnic communities, as is reflected in many

Turkish-Cypriot and Greek-Cypriot emigrants seeking each other as neighbors in places like Great Britain;

Whereas United States interests, regional stability, and relations between United States allies Greece and Turkey will improve with an end to the occupation of Cyprus;

Whereas Turkey's European Union accession prospects, which require approval by each European Union nation, will improve if Turkey ends its hostile occupation of Cyprus, a European Union nation;

Whereas Turkey's image for religious tolerance will improve by removing troops that have allowed, as German Chancellor and European Union President Angela Merkel recently said, ''destruction of churches or other religious sites'' under their control; and

Whereas overlooking Turkey's occupation of Cyprus injures the moral standing of the United States internationally and doesn't help the image of the United States in Turkey, which recently ranked last in a 47-nation Pew survey for favorable views of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the United States Government to initiate a new effort to help Turkey understand the benefits that will accrue to it as a result of ending its military occupation of Cyprus;

(2) urges the Government of Turkey to immediately begin the withdrawal of its military occupation forces from the Republic of Cyprus; and

(3) urges the Government of Turkey to complete the withdrawal of its occupation forces in the near future so that Turkey, Cyprus, the region, and the United States can begin realizing the benefits of the end of that occupation.

Mr. MENENDEZ. Mr. President, I am here to offer a resolution which calls on Turkey to immediately begin the withdrawal of its troops from Cyprus and end its military occupation. Turkish troops have now been in Cyprus for over 33 years. The number of these troops has increased over the last three decades so that there are now more than 43,000, making this area one of the most militarized in the world.

Let me be clear. There is no legitimate justification for the 43,000 Turkish troops to be in Cyprus. Cyprus is a peaceful country. Millions of people have been crossing the buffer zone without incident for years. There are no military attacks and there is no need for military protection of Turkish Cypriots. In the end, these troops only serve to create military tension. Again, there is absolutely no legitimate justification for this military occupation.

In fact, Cyprus has historically been an oasis of generally peaceful relations. When Turkish-Cypriots and Greek-Cypriots emigrate to Great Britain from Cyprus, they often seek to live next to each other as neighbors.

This resolution highlights these examples and uses them as evidence to urge Turkey to immediately begin the withdrawal of its military occupation. And it notes the importance of Turkey fulfilling this as soon as possible so that Turkey, Cyprus, the region and the United States can work more closely on other strategic issues.

This resolution, in addition, calls on the U.S. Government to initiate a new effort to help Turkey understand the benefits of ending its military occupation of Cyprus. Such benefits include: Improving Turkey's European Union accession prospects; improving regional stability; improving relations with Greece; improving relations with the United States and; improving Turkey's image on religious tolerance.

It is also in the best interest of the U.S., the European Union, and NATO for Turkey to end its military occupation of the Republic of Cyprus. Sadly, Turkey ranked last in a recent 47-nation Pew survey for favorable views of the U.S. Ending their occupation will offer more opportunities for U.S.-Turkey cooperation which will only improve our image in this key U.S. ally.

For the U.S. to remain silent during this unjust occupation injures our moral standing internationally. Because silence is complicity, we must speak out.

That is why I am proud to be the lead on this resolution with Senator Snowe which calls on Turkey to end its unjust military occupation in Cyprus.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3034. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 1585, supra.

SA 3036. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3037. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3038. Mr. REID proposed an amendment to the bill H.R. 1585, supra.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3041. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3043. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3044. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3045. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3046. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

TEXT OF AMENDMENTS

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, after line 3, add the following:

SEC. 3313. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—This title shall take effect on the date on which the Secretary of Homeland Security submits a written certification to the President and Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The Commissioner of United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There have been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—The Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act of 2005 (division B of Public Law 109–13); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) should be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress that describes—

(A) the progress made in funding, meeting, or otherwise satisfying each of the requirements described in subsection (a); and

(B) any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the report required under paragraph (1) shall contain specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing such requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—A certification may not be made under paragraph (1) unless the following provisions of existing law have been fully implemented, as directed by the Congress:

(A) The Department of Homeland Security has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367).

(B) The total miles of fence required under the Secure Fence Act of 2006 have been constructed.

(C) All databases maintained by the Department of Homeland Security that contain information on aliens are fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Secretary of Homeland Security has implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department of Homeland Security are being fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department of Homeland Security maintains fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card cannot enter the United States until the biometric identifier on the border crossing card is matched against the alien in accordance with section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the President has received a certification under subsection (e), the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the relevant requirements set forth in subsection (e) have not been met.

(2) DISAPPROVAL.—If the President disapproves a certification, the President shall provide the Secretary of the department or agency that made such certification with a notice that contains a description of the manner in which the requirement was not met. The Secretary of the department or agency responsible for implementing such requirement shall continue to work to implement such requirement.

(3) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing a requirement described in subsection (e) shall consider a certification submitted under subsection (e) to be approved unless the Secretary receives the notice set forth in paragraph (2). If a certification is deemed approved, the Secretary of Homeland Security shall continue to ensure that the requirement continues to be fully implemented as directed by Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Finance of the Senate; and

(B) to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, this title shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly

to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured in accordance with the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008.''.

SA 3034. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) LIMITATION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except—

''(1) with the express written consent of the servicemember to such change; or

''(2) that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered by subsection (a)(2), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

''(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''Sec. 208. Child custody protection.''.

SA 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the matter proposed to be stricken insert the following:

SEC. 1070. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the ''Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3036. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. NO INFRINGEMENT ON THE SOVEREIGN RIGHTS OF THE NATION OF IRAQ.

In accordance with international law, no provision of this Act may be construed to infringe in any way or manner on the sovereign rights of the nation of Iraq.

SA 3037. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2016''.

SA 3038. Mr. REID proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

The provisions of this Act shall become effective 3 days after enactment.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike ''3'' and insert ''2''.

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike ''2'' and insert ''1''.

SA 3041. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

SA 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) submitted

an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

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

(1) The Department of Defense has consistently claimed that voting rates among members of the Armed Forces exceed 70 percent.

(2) The Status of Forces survey of the Department of Defense for the 2006 elections shows clearly that only 22 percent of eligible members of the Armed Forces were able to cast a ballot.

(3) The General Accountability Office report entitled ''Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens'' and dated June 14, 2007 (GAO–07–774), cites continued shortcomings with current Department of Defense efforts to facilitate voting by members of the Armed Forces and strongly recommends additional actions for that purpose.

(4) Congress has a fundamental responsibility to ensure that all members of the Armed Forces have a voice in our government.

(5) Troops who fight to defend America's democracy should have every opportunity to participate in that democracy by being able to cast a ballot and know that ballot has been counted.

(b) OVERSIGHT OF VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.—

(1) RESPONSIBILITY WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(2) RESPONSIBILITY WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(3) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(4) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this subsection.

(B) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3043. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

SA 3044. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative

agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

SA 3045. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Joint and Multiservice Matters

SEC. 161. COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.

(a) CERTIFICATION BY MILITARY DEPARTMENTS.—Not later than March 1, 2008, the Secretary of each military department shall certify new requirements for individual weapons that take into account lessons learned from combat operations.

(b) JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) CERTIFICATION.—Not later than June 1, 2008, the Joint Requirements Oversight Council shall certify individual weapon calibers that best satisfy the requirements certified under subsection (a).

(c) COMPETITION REQUIRED.—Each military department shall rapidly conduct full and open competitions for procurements to fulfill the requirements certified under subsections (a) and (b).

(d) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 3046. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1064, insert the following:

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SA 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place in the substitute add the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions

of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 25, 2007, at 9:30 a.m., in order to conduct a hearing entitled ''Two Years After the Storm: Housing Needs in the Gulf Coast.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURSES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purposes of the hearing are to receive testimony on S. 1756, a bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; and to receive testimony on the implementation of the Compact of Free Association between the United States and the Marshall Islands.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 25, 2007 at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Green Jobs Created by Global Warming Initiatives.''

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m., in room G–50 of the Dirksen Senate Office Building, to hear testimony on ''Home and Community Based Care: Expanding Options for Long Term Care.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, at 2:30 p.m., in order to hold a nomination hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Strengthening FISA: Does the Protect America Act Protect Americans' Civil Liberties and Enhance Security?'' on Tuesday, September 25, 2007, at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness list:

Panel I: The Honorable J. Michael McConnell, Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

Panel II: James A. Baker, Lecturer on Law, Harvard Law School, Formerly Counsel for Intelligence Policy, Department of Justice Washington, DC; James X. Dempsey, Policy Director, Center for Democracy and Technology, San Francisco, CA; Suzanne E. Spaulding, Principal Bingham Consulting Group, Washington, DC; Bryan Cunningham, Principal, Morgan & Cunningham LLC, Greenwood Village, CO.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Judicial Nominations'' on Tuesday, September 25, 2007, at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness list: John Daniel Tinder to be United States Circuit Judge for the Seventh Circuit; Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, in order to conduct an Oversight Hearing on Persian Gulf Research. The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 25, 2007 at 2 p.m. to hold a closed hearing.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 976

Mr. CASEY. Mr. President, I ask unanimous consent that on Wednesday, September 26, when cloture is filed on the motion to concur in the House amendments to the Senate amendments to H.R. 976, that it be considered to have been filed on Tuesday, and the mandatory quorum be waived, notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. CASEY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration, and the Senate now proceed to S. Res. 325.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 325), supporting efforts to increase childhood cancer awareness, treatment, and research.

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, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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.

TRADE ADJUSTMENT ASSISTANCE PROGRAM EXTENSION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3375, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3375) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 3375) was ordered to a third reading, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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.

PATIENT AND PHARMACY PROTECTION ACT OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2085, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2085) to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2085) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient and Pharmacy Protection Act of 2007''.

SEC. 2. 6-MONTH DELAY IN REQUIREMENT TO USE TAMPER-RESISTANT PRESCRIPTION PADS UNDER MEDICAID.

Effective as if included in the enactment of section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28, 121 Sta. 187), paragraph (2) of such section is amended by striking ''September 30, 2007'' and inserting ''March 31, 2008''.

ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, September 26; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. 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 7:50 p.m., adjourned until Wednesday, September 26, 2007, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHRISTINA H. PEARSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE SUZANNE C. DEFRANCIS, RESIGNED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 25, 2007 withdrawing from further Senate consideration the following nomination:

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.